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Washington, Friday, May 18, 1951

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10244

DESIGNATING THE SECRETARY OF STATE AND THE ATTORNEY GENERAL AS THE OFFICERS TO PERFORM CERTAIN FUNCTIONS WITH RESPECT TO THE SETTLEMENT OF INTERCUSTODIAL CONFLICTS RELATING TO ENEMY PROPERTY

By virtue of the authority vested in me by the Constitution and laws of the United States, including the Trading with the Enemy Act of October 6, 1917 (50 U. S. C. 1 et seq.), as amended, and the act of September 28, 1950 (Public Law 857, 81st Congress), and as President of the United States, it is hereby ordered as follows:

1. The Secretary of State and the Attorney General are hereby jointly designated as the officers authorized to conclude and give effect to agreements relating to the settlement of intercustodial conflicts involving enemy property made pursuant to the said act of September 28, 1950, and to exercise all powers incident thereto which are conferred by such act, including, without limitation, the powers to receive, transfer, release, or return property, interests therein, or proceeds thereof.

2. It is the policy of this order that the Secretary of State, with the concurrence of the Attorney General, shall perform all functions necessary or appropriate to give effect to any agreement made pursuant to the said act of September 28, 1950, with relation to the protection of American interests in property outside the United States, and that the Attorney General, with the concurrence of the Secretary of State, shall perform all functions necessary or appropriate to give effect to any such agreement with relation to property subject to the jurisdiction of the United States, and that all other functions relating to the effectuation of any such agreement shall be performed as may be agreed by the Secretary of State and the Attorney General. However, no action taken hereunder by either the Secretary of State or the Attorney General shall be considered to be invalid on the ground that under the provisions of this order such action was within the jurisdiction of the Secretary of State rather than the Attorney General, or vice versa, or that concurrence was not obtained, or that such action was not joint.

3. The Secretary of State and the Attorney General may each delegate to the other or to any other officer, person, or agency within his respective department such of his functions under this order as he may deem necessary.

4. Any money, property, or interest received as reimbursement by the United States by virtue of any agreement made pursuant to the said act of September 28, 1950, shall be administered and disposed of by the Attorney General as vested property pursuant to the said Trading With the Enemy Act, as amended. Any other money, property, or interest received by the Secretary of State or the Attorney General pursuant to any such agreement shall be administered and disposed of pursuant to the provisions of such agreement.

HARRY S. TRUMAN

THE WHITE HOUSE,
May 17, 1951.

[F. R. Doc. 51-5868; Filed, May 17, 1951; 11:17 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 3—ACQUISITION OF A COMPETITIVE STATUS

SUBPART C—REGULATIONS UNDER EXECUTIVE ORDER 10157

1. In processing cases under this subpart it has been observed that August 28, 1948, fell on a Saturday and August 29, 1948, fell on a Sunday. Since these were nonwork days for the majority of Federal agencies and employees, the Commission has determined that in any case where an individual entered on duty on the first work day following, that is, on August 30, 1948, he will be regarded as fulfilling the requirement as to date of entrance on duty. Accordingly § 3.301 (a) is amended to read as follows:

§ 3.301 *Basic requirements for the acquisition of a competitive status under Executive Order 10157.* * * *

(a) He must have been appointed to and entered on duty in a civilian position

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THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

in the competitive service of the Government on or before August 30, 1948.

2. For some time it has been the Commission's policy on questions relating to completion of probation, to consider 22 work days as the equivalent of 30 calendar days. The Commission has therefore determined that for purposes of conversion to competitive status under this subpart, 22 days of leave without pay should be considered as the equivalent of 30 calendar days. Section 3.303 (a) (2) is therefore amended to read as follows:

§ 3.303 *Continuous service.* (a) * * *

(2) Periods of absence on annual or sick leave and periods of absence on leave without pay not exceeding a total of 60 calendar days. (If the leave without pay was not in one straight period but extended over broken periods, 44 work days

will be considered the equivalent of 60 calendar days.)

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 10157, Aug. 28, 1950, 15 F. R. 5834; 3 CFR 1950 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ROBERT RAMSPECK,
Chairman.

[F. R. Doc. 51-5773; Filed, May 17, 1951; 8:46 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

BUREAU OF NARCOTICS

Effective upon publication in the FEDERAL REGISTER, § 6.103 (d) (2) is amended so as to increase the number of excepted positions from 30 to 50. As amended the subparagraph reads as follows:

§ 6.103 *Treasury Department.* * * *
(d) *Bureau of Narcotics.* * * *
(2) Fifty positions of Narcotic Agent for undercover work.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp. E. O. 9973, June 28, 1948, 13 F. R. 3600; 3 CFR, 1948 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ROBERT RAMSPECK,
Chairman.

[F. R. Doc. 51-5776; Filed, May 17, 1951; 8:47 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

[Reg. F]

PART 206—TRUST POWERS OF NATIONAL BANKS

DIRECT TRANSFER OF UNITED STATES BONDS FROM INDIVIDUAL TRUST TO COMMON TRUST FUND

§ 206.108 *Direct transfer of United States Bonds from individual trust to common trust fund.* Although it is provided in the second paragraph of § 206.17 (a) that the term "common trust fund" means a fund maintained by a national bank exclusively for the collective investment and reinvestment of moneys contributed thereto by the bank in its capacity as trustee, executor, administrator, or guardian, the Board will not object to the direct transfer at par value of United States savings bonds or the recently issued 2¾ percent nonmarketable Treasury bonds from individual trust estates to a common trust fund in exchange for participations therein.

(Sec. 11, 38 Stat. 262; 12 U. S. C. 248. Interprets or applies secs. 2-4, 24 Stat. 18, 19, sec. 1, 40 Stat. 1043, as amended, sec. 1, 44 Stat. 1225, as amended, sec. 11, 38 Stat. 261, as amended, 53 Stat. 68, as amended; 12 U. S. C. 30-33, 34a, 248, 26 U. S. C. 169)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 51-5764; Filed, May 17, 1951; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 2—RULES OF PRACTICE

COMPLAINTS

The Commission on May 11, 1951, amended the second paragraph of paragraph (a) of § 2.5 of its rules of practice (§§ 2.1 to 2.31), so as to make said section read as follows, effective thirty days from date of publication in the FEDERAL REGISTER.

NOTE: In said section, the number to the right of the decimal point corresponds with the Roman numbers in the Commission's rules of practice, as included in its publication, Rules, Policy, Organization, and Acts.

§ 2.5 *Complaints.* (a) Whenever the Commission shall have reason to believe that there is a violation of law over which the Commission has jurisdiction, and in case of violation of the Federal Trade Commission Act, if it shall appear to the Commission that a proceeding by it in respect thereof would be to the interest of the public, the Commission shall issue and serve upon the proper parties a complaint stating its charges and containing a notice of a hearing upon a day and at the place therein fixed, at least thirty (30) days after the service of said complaint.

When a substantial saving in time and expense in disposing of the case may result, any party may submit facts, arguments, offers of settlement, or proposals of adjustment; and where time, the nature of the proceeding, and the public interest permit, they shall have due consideration. All such submissions shall be in writing and shall, when the proceeding is pending before a trial examiner, be made to and ruled upon by him. The trial examiner shall afford opposing counsel an opportunity to reply to any submission, and the action of a trial examiner in accepting a submission may be reversed by the Commission upon review of the initial decision.

(b) In the "Notice" portion of the complaint there may be set forth a statement of the provisions which may appear in the order to cease and desist which the Commission shall have reason to believe should issue if the facts in the record shall be found to be as alleged in the complaint. If the complaint contains such provisionary order to cease and desist, it shall also state that such order shall issue, unless the respondent shall file an answer within the time designated in the complaint; shall appear at the time and place so fixed; and shall show cause why the said order to cease and desist should not be entered by the Commission, in which event such provisionary order to cease and desist shall be without effect.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46)

Promulgated as of this date in pursuance of the action of the Federal Trade Commission under date of May 11, 1951, effective thirty days from date of publication in the FEDERAL REGISTER.

By direction of the Commission.

[SEAL] D. C. DANIELS,
Secretary.

[F. R. Doc. 51-5777; Filed, May 17, 1951; 8:47 a. m.]

[Docket 5816]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

GRIFFON CUTLERY CORP. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.15 *Business status, advantages or connections—Plant and equipment: Producer status of dealer—Manufacturer: Manufacturer as maker of raw material also, or other products not made.* Subpart—*Using misleading name: Vendor:* § 3.2440 *Plant and equipment.* In connection with the offering for sale, sale or distribution in commerce, of respondents' cutlery products, including pinking and other shears, representing, directly or by implication, (1) that respondents or any of them manufacture or make Carbo-Magnetic cutlery unless or until respondents do in fact manufacture or make Carbo-Magnetic cutlery; (2) that the corporate or individual respondents own or operate a factory in which pinking or any other shears or cutlery sold by them are repaired or made, or that they or any of them maintain works in which the cutlery products sold by them are made, unless or until they actually own and operate, or directly and wholly control the factory or works wherein the products sold by them are in fact made: and disseminating, etc., any advertisement, containing any of said prohibited representations, by any means, to induce, etc., the purchase in commerce, of such products; prohibited.

(Sec. 5, 38 Stat. 719, as amended; 15 U. S. C., 45) [Cease and desist order, Griffon Cutlery Corporation et al., Docket 5816, March 9, 1951]

In the Matter of Griffon Cutlery Corporation, a Corporation; and Alfred L. Griffon and Herman L. Kaplan, Individually and as Officers and Directors or Griffon Cutlery Corporation

This proceeding was heard by Webster Ballinger, trial examiner, upon the complaint of the Commission, respondents' answer, and hearings at which testimony and other evidence in support of and in opposition to the allegations of the complaint were introduced, and which were duly recorded and filed in the office of the Commission.

Thereafter the proceeding regularly came on for final consideration by said trial examiner on the complaint, the an-

swer thereto, testimony and other evidence, and proposed findings as to the facts and conclusions presented by respective counsel, oral argument not having been requested; and said trial examiner, having duly considered the record and found that the instant proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts, conclusion drawn therefrom, and order to cease and desist.

No appeal having been filed from said initial decision of said trial examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII, became the decision of the Commission March 9, 1951.

The said order to cease and desist is as follows:

It is ordered, That respondent, Griffon Cutlery Corporation, a corporation, its officers, agents, representatives, and employees, and respondents Alfred L. Griffon, and Herman L. Kaplan, individually, directly or through any corporate or other device in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of its cutlery products, including pinking and other shears, do forthwith cease and desist from representing, directly or by implication:

(1) That they or any of them manufacture or make Carbo-Magnetic cutlery unless or until respondents do in fact manufacture or make Carbo-Magnetic cutlery.

(2) That the corporate or individual respondents own or operate a factory in which pinking or any other shears or cutlery sold by them are repaired or made, or that they or any of them maintain works in which the cutlery products sold by them are made, unless or until they actually own and operate, or directly and wholly control the factory or works wherein the products sold by them are in fact made.

(3) Disseminating, or causing to be disseminated, any advertisement, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of such products, which advertisement contains any of the representations prohibited in the preceding Paragraphs 1 and 2.

By "Decision of the Commission and Order to File Report of Compliance", Docket 5816, March 12, 1951, which announced and decreed fruition of said initial decision, on March 9, 1951, report of compliance with said cease and desist order was required as follows:

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: March 12, 1951.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 51-5775; Filed, May 17, 1951; 8:47 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 22, Amendment 3]

CPR 22—MANUFACTURER'S GENERAL CEILING PRICE REGULATION

CORRECTIONS, CHANGES AND CLARIFICATIONS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 3 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

Since the issuance on April 25, 1951, of Ceiling Price Regulation 22, questions raised by industry and further study of some of the problems involved have indicated the need for clarifying some of the provisions of the regulation and amending it in certain particulars.

To eliminate any question as to certain of the steps involved in determining ceiling prices under the regulation, language clarifying the following points has been inserted: In averaging the prices at which materials were delivered in determining costs, deliveries made pursuant to "stale" contracts are not to be included; in computing the materials cost adjustment where a substitute material not used during the base period (or used in different quantities or proportions) is now being used, the comparison in net cost as of each of the applicable dates must be based upon the same quantity of production; the net sales which are used in the calculation of the labor cost adjustment and the materials cost adjustment relate only to sales of commodities produced by the manufacturer, not those for which he is simply a distributor. To simplify the procedure where a manufacturer must apply to OPS for an appropriate increase in the cost of a manufacturing material, there has been deleted the requirement that he list the base period prices and the proposed ceiling prices of all the commodities in which that manufacturing material is used.

Again, in the interest of clarity, the section dealing with modification of ceiling prices by the Director of Price Stabilization has been expanded so that there will be no question as to the power of the Director to adjust ceiling prices both up and down.

To prevent evasion of the controls imposed by the regulation a section has been added giving a transferee of a business or a stock in trade the same ceiling prices as his predecessor and imposing upon him the same obligation to keep his records. Also, a provision has been added specifically reserving to the Director of Price Stabilization the right to issue an order fixing ceiling prices for any person subject to the regulation who fails to keep records or to establish ceiling prices as required by the regulation.

To ease the burden of reporting, sellers who were unable to price their products under the General Ceiling Price Regulation except by special application to the Director of Price Stabilization, and who must make such special application again, are not required to duplicate the information they have already given. Moreover, if prices have been established for such sellers by letter order of the Director of Price Stabilization, they are permitted to retain these prices until notified that they have been changed.

In the interest of eliminating the number of reports required from manufacturers who normally make a vast number of new commodities each month but in the same basic categories the requirement that a report be prepared and mailed the Director of Price Stabilization 15 days before a new commodity is sold has been eliminated where sales of the new commodity are not expected to exceed $10,000. However, where sales exceed the original expectations, the seller will be required to file such report before sales in excess of that value may be made.

A number of changes have been made in the list of commodities excluded from the regulation. Certain of these changes are made in order to eliminate any ambiguity and to make the description of the product excluded more exact. Of this character are the changes in the definition of sugar, and the various stone, clay and glass products. Other changes are the result of discussions with members of the industries concerned, which discussions have indicated the inadvisability of keeping certain products under the regulation. Examples of such changes are those made in the coverage by the regulation of poultry and meat products. Still other changes have been made in the interest of consistency. For example, cottonseed hulls are now exempted in the same way as cottonseed cake and meals all of which are used in manufacturing livestock feed. Metallic oxides and metallic by-products are exempted for the same reasons as primary metals and metal alloys were originally. The change in the coverage of various iron and steel mill products is due to the fact that they are the subject of a voluntary agreement between their producers and the Economic Stabilization Administrator.

AMENDATORY PROVISIONS

Ceiling Price Regulation 22, effective May 28, 1951, is amended in the following respects:

1. Paragraph (c) of section 18 is amended by inserting between the fourth and fifth sentences immediately after the words "each period" a new sentence to read as follows: "In obtaining this average price you should not include any

delivery made pursuant to a contract bearing a firm price entered into more than sixty days prior to the prescribed date." and by adding at the end of the paragraph immediately after the words "prescribed dates" two new sentences to read as follows: "The term '30 days' as used in this paragraph means either a period of 30 consecutive days or an accounting month customarily used by you, provided that it is the last accounting month terminating not later than the applicable prescribed date. Where the applicable prescribed date is June 24, 1950, you may use an accounting month terminating not later than June 30, 1950." so that paragraph (c) of section 18 as amended will now read as follows:

(c) The net price per unit of the material shown on the invoice for the last delivery of the material to you prior to the prescribed date. If, however, the delivery was received more than 30 days prior to the prescribed date or was pursuant to a contract bearing a firm price entered into more than 60 days prior to the prescribed date, you may not use this paragraph (c). If within 30 days prior to each of the applicable prescribed dates, you received more than one delivery of the same manufacturing material, you must use an average price for each such date. You obtain this average price by dividing the net amount you paid for all deliveries of the material during each of the 30-day periods by the total number of units of the material delivered to you during each period. In obtaining this average price you should not include any delivery made pursuant to a contract bearing a firm price entered into more than sixty days prior to the prescribed date. The average price for each period is the price you use for each of the respective prescribed dates. The term "30 days" as used in this paragraph means either a period of 30 consecutive days or an accounting month customarily used by you, provided that it is the last accounting month terminating not later than the applicable prescribed date. Where the applicable prescribed date is June 24, 1950 you may use an accounting month terminating not later than June 30, 1950.

2. Paragraph (f) of section 18 is amended by deleting from the second sentence thereof the following words after the last semi-colon: "and you must state the base period price of the commodity and the ceiling price you propose." so that paragraph (f) as amended will now read as follows:

(f) If none of the foregoing is available to you for one or both of the applicable prescribed dates, you may apply to the Director of Price Stabilization, Washington 25, D. C., for an appropriate increase in the cost of the manufacturing material for use in your calculations. If you make such an application, you must refer specifically to this paragraph; you must describe the commodity being priced and the manufacturing material; you must propose the amount of increase per unit of the manufacturing material you consider appropriate based upon what you would have paid for the material if you had purchased it on each of the applicable prescribed dates; you must set forth in detail supporting reasons and why this paragraph is applicable. You must file this application before using the increase you propose. Although you need not await a reply from the Director of Price Stabilization, he may at any time disapprove the increase you propose, stipulate the amount of increase which he will approve or request additional information.

3. Section 19 is amended by inserting between the first and second sentences immediately after the words "by you now" a new sentence to read as follows: "The physical amounts of those materials normally used by you in your base period and now must relate to the same quantity of production of the commodities being priced in the case of Method 4, to a unit of the commodity being priced in the case of Method 2 and to a unit of the best selling commodity in the case of Method 3." so that section 19 as amended will now read as follows:

SEC. 19. *How to compute net cost as of the applicable prescribed dates where you are using a substitute material not used during the base period or used in lesser quantities.* In the case of a substitute material not used by you during the base period (or used in lesser quantities or proportions) in the manufacture of the commodity being priced, you must, if you are using Methods 2, 3, or 4 for calculating "the materials cost adjustment", compute the net cost to you as of the end of your base period of the physical amounts of the materials normally used by you in your base period and the net cost to you as of December 31, 1950, March 15, 1951, or a current date, whichever date is applicable, of the physical amounts of the materials normally used by you now. The physical amounts of those materials normally used by you in your base period and now must relate to the same quantity of production of the commodities being priced in the case of Method 4, to a unit of the commodity being priced in the case of Method 2, and to a unit of the best selling commodity in the case of Method 3. Since this calculation cannot be made accurately under Method 1 (section 13), you may not use that method for any unit of your business in which you are now using significant quantities of a substitute material whose current unit cost is lower than the current unit cost of the material used by you during the base period. However, if the current unit cost of the substitute material is the same or higher than the current unit cost of the material used by you during the base period, you may use Method 1, but without making any allowance for the higher cost of the substitute material.

4. Paragraph (f) of section 32 is amended by inserting after the heading *"Required report"* the number (1), by inserting after the words "under this section," in the first sentence, the words "except as permitted under subparagraph (2) below," by inserting before the words "In case, however," in the second paragraph the number (3) and by adding the following new subparagraph to be inserted between the first and second paragraphs:

(2) You need not prepare or file the report required by paragraph (g) of this section with the Director of Price Stabilization, if total net sales of the commodity required to be priced under this section are not expected to exceed ten thousand dollars in value; but no sales of the commodity which would result in its total net sales equalling or exceeding ten thousand dollars in value may be made until after a report has been filed. Appropriate records and work sheets relating to the computation of your ceiling prices must be preserved as prescribed in section 46.

5. Section 34 is amended by inserting after the heading *"Sellers who cannot price under other sections"* the letter "(a)" and by adding new paragraphs (b) and (c) to read as follows:

(b) If your ceiling price was determined under section 7 of the General Ceiling Price Regulation, you may, after making the application prescribed in paragraph (a) of this section, continue to use that ceiling price unless and until notified by the Director of Price Stabilization that your proposed ceiling price has been disapproved, or that more information is required.

(c) If your ceiling price under the General Ceiling Price Regulation was established under section 7 of that regulation by letter order of the Director of Price Stabilization, you need not repeat in your application for a price under this section any information which you have already submitted to the Director of Price Stabilization and which, in the light of the requirements of paragraph (a) of this section, is still accurate.

6. Section 38 is amended by adding the following sentence immediately after the words "this regulation": "Such downward revisions may, of course, be accompanied by upward revisions—as in a case where the Director of Price Stabilization requires an apportionment of the 'materials cost increase' for a unit of your business to avoid any inequities resulting from the application of sections 13 or 16" so that the section will now read as follows:

SEC. 38. *Modification of ceiling prices by the Director of Price Stabilization.* The Director of Price Stabilization may at any time disapprove or revise downward ceiling prices proposed to be used or being used under this regulation so as to bring them into line with the level of ceiling prices otherwise established by this regulation. Such downward revisions may, of course, be accompanied by upward revisions—as in a case where the Director of Price Stabilization requires an apportionment of the "materials cost increase" for a unit of your business to avoid any inequities resulting from the application of sections 13 or 16.

7. Section 47 is amended by inserting immediately after the heading *"Definitions and explanations"* the following sentence: "Unless the context otherwise requires, the definitions and explanations in this section shall be controlling." and by adding to the definition of *"Net sales"* immediately after the words

"should not be deducted" the following sentence: "This term does not include sales of commodities of which you are not the manufacturer."

8. A new section, section 48a is added to follow immediately after section 48 and to read as follows:

SEC. 48a. *Transfers of business or stock in trade.* If the business, assets or stock in trade are sold, or otherwise transferred, after the issue date of this regulation, and the transferee carries on the business, or continues to deal in the same type of commodity, in an establishment separate from any other establishment previously owned or operated by him, the ceiling prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over, to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the provisions of this regulation.

9. Section 51 is amended by substituting for the heading *"Penalties"* the heading *"Violation—(a) Civil and criminal action"* and by adding a new paragraph (b) to read as follows:

(b) *Violations of record-keeping and reporting requirements.* If any person subject to this regulation fails to keep the records or file the reports required by this regulation, or if any person subject to this regulation fails to establish a ceiling price or apply to the Office of Price Stabilization for the establishment of a ceiling price, if he is required to do so, the Director of Price Stabilization may issue an order fixing ceiling prices for the commodities such person sells. Any ceiling price fixed in this manner will be in line with ceiling prices established by this regulation. The order fixing the ceiling price may apply to all deliveries or transfers for which a ceiling price was not established in accordance with the provisions of this regulation, including deliveries or transfers completed prior to the date of issuance of the order. The issuance of such an order will not relieve the seller of his obligation to comply with the requirements of this regulation or of the various penalties for failure to do so.

10. Appendix A is amended in the following respects:

a. Subparagraph (1) of paragraph (c) is changed to read as follows:

(1) All meats, except dry sausage and sterile canned meat.

b. Subparagraph (4) of paragraph (c) is changed to read as follows:

(4) Rabbits and dressed and ready-to-cook poultry, including turkeys.

c. Subparagraph (11) of paragraph (c) is changed to read as follows:

(11) Cottonseed cake, meal, and hulls.

d. Subparagraph (16) of paragraph (c) is changed to read as follows:

(16) Sugarcane, and sugar and liquid sugar (as defined in the Sugar Act of 1948).

e. Subparagraph (22) of paragraph (c) is changed to read as follows:

(22) Frozen eggs, dried eggs and liquid eggs.

f. Paragraph (q) including subparagraphs (1) through (8) is changed to read as follows:

(q) The following specified building materials:

(1) Cement, including standard Portland Cement; Special Portland Cement, such as high early strength masonry or mortar, low and moderate heat, oil-well, sulphate-resisting, white Portland; or any other cement generally classified as special Portland Cement; alumina cement, natural cement, puzzolan (slag-lime) cement; and masonry cement of the natural cement class; but excluding hydraulic lime.

(2) Ready-mixed Portland cement concrete.

(3) Calcined gypsum plasters, not including finished products produced therefrom.

(4) Lime (construction, metallurgical, chemical, agricultural, refractory).

(5) Sand, gravel, crushed stone and slag, both aggregates and industrial.

(6) Light weight aggregates.

(7) Asphaltic concrete and bituminous paving mixes.

(8) Roofing granules, natural and artificial.

g. Paragraph (r) is changed to read as follows:

(r) Primary metals, metallic alloys, metallic oxides, and metallic by-products.

h. Paragraph (v) is changed to read as follows:

(v) All non-metallic minerals, except granite, slate, limestone, asbestos, crude gypsum, basalt, greenstone, marble, rip-rap, rough stone and sandstone.

i. Paragraph (w) is changed to read as follows:

(w) All cast, rolled, drawn, or extruded metals and alloys which have not been further fabricated, except cast iron soil pipe and fittings, cast iron water and gas pipe and fittings, and valve and pipe fittings.

j. Paragraph (x) is changed to read as follows:

(x) Fabricated structural steel and steel plate and fabricated reinforcing bars, except metal lath and metal lath accessories (including cold rolled channels).

k. The following new paragraphs (cc), (dd) and (ee) are added to read as follows:

(cc) Merchant clays, as listed and described in the Bureau of Mines, U. S. Department of the Interior, current "Minerals Yearbook."

(dd) The following iron and steel products: Wire rope and strand; wire (barbed and twisted); wire fence (woven or welded); wire netting; nails (cut and wire); staples; wire bale ties; fence posts; steel screen wire cloth, welded wire concrete reinforcing mesh; hoops, bailing bands, and cotton ties; formed roofing and siding; valley, ridge roll, and flashing; welded pipe and tubing; rails and track accessories.

(ee) Glass containers and closures for glass containers except rubber closures and novelty closures not used by commercial bottlers or packers.

11. Appendix C is amended by inserting under the entry "Sugar crops:" the words "Sugarcane sirup."

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment shall become effective on the 28th day of May 1951.

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 17, 1951.

[F. R. Doc. 51-5852; Filed, May 17, 1951; 10:27 a. m.]

[Ceiling Price Regulation 37]

CPR 37—PRIMARY COTTON TEXTILE MANUFACTURERS' REGULATION

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency Order No. 2 (16 F. R. 738), this Ceiling Price Regulation 37 is hereby issued.

STATEMENT OF CONSIDERATIONS

The need for this regulation. The general objective and economic considerations leading to the formulation of this Primary Cotton Textile Manufacturers' Regulation are generally the same as those which led to the promulgation of the recent Manufacturers' General Ceiling Price Regulation (Ceiling Price Regulation 22), and are set forth in the Statement of Considerations which is a part of that regulation.

The General Ceiling Price Regulation, issued on January 26, 1951, imposed a general freeze at all levels of production and distribution. It was an emergency measure made imperative by the urgency of bringing the inflationary spiral to a halt. It was not intended to be a permanent basis of control, and it was then recognized that specific regulations adapted to the needs of individual industries would have to be formulated and issued as quickly as the resources of the Office of Price Stabilization would permit.

The price structure which was frozen by the General Ceiling Price Regulation was badly unbalanced in many respects. In some industries prices had lagged behind the increase in production costs, and in others prices had outrun the advance in manufacturing costs. Because of "lag" on the one hand and anticipatory pricing on the other, there was serious disparity both between the different levels of the economy and within industry at each of those levels. The freeze "caught" prices at the end of six months of dynamic change without opportunity for normal mutual adjustment between raw materials, manufacture, and wholesaler and retailer distribution.

The soundest way in which to restore a balanced and equitable price structure would be by the issuance of individual regulations tailored to meet the needs and peculiarities of each specific industry. But it is neither feasible nor possible, within the time limit which the urgency of the present situation demands, for the Office of Price Stabilization to prepare and issue a large number of specifically tailored regulations. Neither is it feasible nor sound policy to attempt to correct inequities by applying a vast number of individual adjustments. Even were it possible, such individual relief would result only in upward pricing without a concurrent effort to roll back those prices which are clearly excessive.

The Manufacturers' General Ceiling Price Regulation, while recognizing that no such regulation can fully reflect the diverse problems of a great many industries, is one of general application to as large a segment of the manufacturing industry as possible. It is an interim step between the general freeze and the establishment of specifically tailored regulations.

Similarly, this Primary Cotton Textile Manufacturers' Regulation, although not a tailored regulation, is intended and designed to more closely approximate the needs of one of the nation's major industries at the manufacturing level. The cotton yarn and textile producers have industry characteristics, and are confronted with economic factors, which are peculiar to themselves. This regulation is an application of the underlying concepts of the over-all manufacturing regulation, narrowed to the particular requirements of the cotton textile industry.

It is believed that it will quickly meet the needs of the cotton textile industry as comprehensively as possible; that it is generally fair and equitable in principle; that it will afford at least limited relief to most cases of inequity imposed by the general freeze and at the same time it will serve simultaneously to require reductions in prices which are too high. A price structure based upon a depressed or distressed period would choke the incentive for normal production. Conversely, prices measured by those of a period of abnormal prosperity would contradict the very concept of price stabilization. The margins of profit provided by this regulation are considered adequate to minimize any tendency toward diversion of production away from low-end cost-of-living fabrics and yarns. It it believed that the regulation is an important step toward the restoration of a sound and properly balanced price structure.

General nature of this regulation. This regulation applies to manufacturers of yarns or fabrics consisting, after production but before finishing, of fifty percent or more of domestic cotton by fiber weight and containing less than twenty-five percent of fiber weight of any one of either wool, rayon, nylon or other fibers. It has been formulated under the same general principle which underlies the Manufacturers' General Ceiling Price Regulation (Ceiling Price Regulation 22), i. e., a return to pre-Korean price levels, adjusted for certain increases in manufacturing costs which have occurred since the Korean outbreak.

The Defense Production Act of 1950 provides that the President shall give due consideration to prices which he finds to be representative of those prevailing during the period from May 24, 1950 to June 24, 1950, or if those were not representative because of abnormal or seasonal market conditions, then those prevailing on the nearest date on which they are generally representative.

The period immediately prior to June 24, 1950 may not have been representative in the cotton yarn and textile industry because of cyclical reactions and seasonal market conditions. It is believed, however, that the whole year from July 1, 1949 to June 24, 1950 was one in which prices and costs generally were in balance at levels which yielded satisfactory operating margins. Consequently, and to eliminate seasonal distortions, this regulation permits the cotton yarn or fabric manufacturer to select as his base period from which cost adjustments will be made any calendar quarter between July 1, 1949 and June 24, 1950 for yarns or fabrics within a category.

Two decisions had to be made before a method could be determined for the establishment of a base period price. Manufacturers of cotton yarns and fabrics historically sell their products for future delivery, some segments of the industry selling for periods of as long as six and more months in advance. The industry generally sells on firm price contracts with no provision for upward adjustment in price due to increases in the cost of component parts of the fabrics manufactured.

It was necessary, therefore, to determine a method whereby a current and precise relationship could be established between the costs of production and the price of the product. It was apparent that costs at the time of product delivery would not have been the costs on which pricing was based. It was decided, therefore, to relate costs to the date of the contract or the written offer used for the determination of the base period price. A second decision was to permit the use of written price lists issued by a manufacturer to his salesmen in his customary manner as one method of establishing base period prices. The decision to permit use of these lists was made because they represent a method used for many years by a large part of the industry to communicate price offers to the trade. Their use is carefully restricted by requiring that they must have been the manufacturer's customary manner of pricing, that they must have been issued during the base period, and that within thirty days subsequent to their issuance, the manufacturer must have contracted in writing to make substantial deliveries of items on the list at prices on the list and that such deliveries must thereafter have been made within the period of time customarily allowed within the trade for processing and shipment. In addition, it is required that if a price list is used for one yarn or fabric on the list it must be used for all of the yarns or fabrics on the list.

The cost increases which may be added to pre-Korean prices are essentially the same as those allowed in the Manufacturers' General Ceiling Price Regulation. Because this regulation applies to a single industry, it was possible to separate manufacturing costs into costs for cotton, purchased sales yarn, manufacturing materials and labor and to provide different methods of computation for each which are more suitable to the particular needs of the industry.

Consideration has been given to the inventory problem, and that any inventories of low cost cotton should be reflected in the cost adjustment allowed. It is believed, however, from information obtained, that such inventories do not exist to any significant extent.

Cotton costs are to be computed on the basis of the published average of the spot prices in the 10 "designated markets." The reasons for this are: (1) The use of the quoted cotton prices provides a uniform and simplified method of determining cotton costs; (2) the price of cotton quoted on the 10 spot markets as of the day of a contract or offer to sell (or the issuance of a price list), which establishes the base period price for the yarn or fabric, has an exact and definite correlation to the price fixed by the mill under its contracts for the purchase of raw cotton. Labor costs are determined as of the same date as that of the base period price, and the costs of purchased sales yarn and other manufacturing materials have a similar correlation although allowance has been made for the possibility that these materials cannot be "costed" as of the exact date of the base period price.

This regulation gives effect to only those increases in the cost of manufacturing materials other than cotton, purchased sales yarn and labor which occurred up to December 31, 1950, on the assumption that the average price of those materials will be rolled back by the General Manufacturers' Ceiling Price Regulation to a level approximating that which prevailed last December. The cost increases for raw cotton, purchased sales yarn and labor may be computed up to March 15, 1951, inasmuch as no rollbacks in these items may be expected in the immediate future. (The ceiling price on raw cotton was established on March 5, 1951, by Ceiling Price Regulation 8). The Manufacturers' General Ceiling Price Regulation requires, in certain instances, that a report be filed with the Director of Price Stabilization and that commodities for which a ceiling price has been determined may not be sold until 15 days after the mailing of such report. Such a waiting period is not considered necessary in the present regulation which has a narrower scope, and in which the nature and extent of price changes can be more readily forecast.

This regulation recognizes that a manufacturer may wish to determine a ceiling price for a yarn or fabric in which he did not deal during the base period. For such cases, it makes provision for establishing ceiling prices both for those yarns or fabrics which are comparable to those dealt in during the base period and for those which are not comparable to any dealt in during the base period. For comparable yarns or fabrics a percentage cost adjustment is permitted, and for those not comparable a "dollars-

and-cents" difference is permitted. Ceiling prices for new sellers and for sales to an entirely new class of purchaser of any particular yarn or fabric are the same as those of the manufacturer's most closely competitive seller.

It is recognized that certain segments of the industry have granted retroactive wage increases, which are now pending approval by the Wage Stabilization Board. This regulation does not anticipate the effect of action by that Board but consideration will be given to the matter after a decision has been handed down.

This regulation prohibits the redetermination of a ceiling price once it has been reported, except for arithmetical error and except when the Director of Price Stabilization shall require it by amendment or by supplement to this regulation. The Director expects in due course to issue such an amendment so as to reflect more accurately the materials prices established by this and other ceiling price regulations.

It cannot, of course, be anticipated that any general regulation of this character can cure all cases of hardship or inequities imposed by the freeze; nor can it avoid imposing hardship in special circumstances. It is recognized, therefore, that provision must be made for the adjustment of individual hardship cases. The regulation permits a manufacturer who under this regulation would be forced to operate at a loss to apply for an adjustment of his ceiling prices. This provision is not intended to take care of losses resulting from unusual or seasonal factors which would normally cure themselves; nor is it intended to provide an inefficient manufacturer with a level of prices substantially in excess of that which is adequate for the bulk of his competitors. The Office of Price Stabilization expects to act upon petitions for relief submitted under this provision promptly, and if no action is taken within thirty days after the request has been submitted the applicant is permitted to sell at the prices proposed in his petition until the Office has taken final action.

Interim character of this regulation. It should be emphasized again that this regulation is not intended as the final pricing action of the Office of Price Stabilization for the cotton textile industry. It is expected that other interim regulations will be formulated for the cotton converters and finishers who are exempt from this regulation, and that at the earliest possible date tailored dollars-and-cents regulations will be issued for all segments of the industry.

FINDINGS OF THE DIRECTOR

The provisions of this regulation and their effect upon business practices, cost practices, or methods, or means or aids to distribution in the industry have been carefully considered. Generally only such changes in such practices or methods have been effected as are necessary to prevent circumvention or evasion of the regulation and to effectuate the policies of the Defense Production Act of 1950.

In formulating this regulation the Director has consulted with representatives of the industry to the extent practicable under the circumstances and has given consideration to their recommendations.

He has also given due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

In the judgment of the Director, based upon an analysis of the presently available data, the provisions of this regulation and the ceiling prices established are generally fair and equitable and will effectuate the purposes of Title IV of the Defense Production Act of 1950.

REGULATORY PROVISIONS

Sec.

AUTHORITY: Sections 1 to 17 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* This regulation fixes ceiling prices for sales of cotton yarn or fabric by manufacturers located in the United States, its territories and possessions. It applies to sales of unfinished cotton yarns or fabrics, except that finished woven bed spreads, sheets, pillow cases, diapers and towels (i. e., end-use products) are also covered. During the period between May 16, 1951, and May 28, 1951 you may use either this regulation or the General Ceiling Price Regulation. On and after May 28, 1951, you must use this regulation. This regulation shall not apply to deliveries under a military contract or subcontract for yarn or fabric covered by Supplementary Regulation 1, as amended, to the General Ceiling Price Regulation. This regulation supersedes the Manufacturers' General Ceiling Price Regulation (Ceiling Price Regulation 22) for sales of yarns and fabrics covered by this regulation.

SEC. 2. *Ceiling prices for yarns or fabrics which are the same as those dealt in during your base period.* Your ceiling price for a yarn or fabric (which should be computed on a unit basis, that is, a pound of yarn or a yard of fabric) in which you dealt at any time between July 1, 1949 and June 24, 1950 is your base period price for the yarn or fabric with adjustments for permitted increases or required decreases in cost of labor and materials.

(a) *Step 1; Base period.* Select one calendar quarter from the four quarters between July 1, 1949 and June 24, 1950, that is, one of the following quarters: July 1, 1949 through September 30, 1949; October 1, 1949 through December 31, 1949; January 1, 1950 through March 31, 1950; or April 1, 1950 through June 24, 1950. The quarter which you select is your base period under this regulation for pricing all yarns or fabrics falling within the same category (see *Definitions*, section 17 of this regulation).

(b) *Step 2; Base period price.* (1) Find the class of purchaser which, during your base period, contracted in writing to buy from you the largest dollar amount of yarns or fabrics in the same category as the yarn or fabric to be priced. Then find the highest unit (pound of yarn, yard of fabric) price at which you contracted in writing to sell to that class of purchaser the yarn or fabric to be priced. Exclude sample quantity contracts (see *Definitions*, section 17 of this regulation).

(2) If you did not contract to sell a particular yarn or fabric during your base period, find the highest unit price at which you offered in writing to sell that yarn or fabric during your base period. This written offer must have been made to the class of purchaser to whom you sold in the base period the largest dollar volume of yarns or fabrics in the same category as the yarn or fabric to be priced.

(3) If, however, during the base period you issued a written price list to your salesmen in your customary manner and within thirty days subsequent to its issuance contracted in writing to make substantial deliveries of any of the listed items at the prices in the list, and thereafter made such deliveries within the period of time customarily allowed in your trade for processing and shipment, you may use, instead of the price found in subparagraph (1) or (2) of this paragraph, the listed price, for a unit of the yarn or fabric, to the class of purchaser which during the base period contracted in writing to buy from you the largest dollar amount of all yarns or fabrics in that category. If, however, you use a price list for one yarn or fabric on the list, you must use the listed price for all yarns or fabrics on that list.

The price found in this paragraph, when reduced or increased, as the case may be, by your customary trade terms, is your base period price. If your base period price includes any excise, sales or similar tax, follow the instructions in section 8 of this regulation.

(c) *Step 3; Cost increases or decreases.* Compute your increase or decrease in the cost of cotton, purchased sales yarn, other manufacturing materials, and labor in the following manner (with waste credits to be taken according to your customary accounting procedure):

(1) *Cotton.* Find the physical amount of cotton used in a unit of the yarn or fabric to be priced. Multiply that

amount by the increase in the unit cost of cotton between the published average of the spot prices in the 10 "designated markets" on the date of your base period price adjusted for the grade and staple you were then using (the date of the contract, written offer, or price list from which you have found your base period price for that yarn or fabric in accordance with paragraph (b) of this section), and March 15, 1951, adjusted for the grade and staple you are currently using.

(2) *Purchased sales yarn.* If a fabric contains purchased sales yarn, find the physical amount of that yarn used in a unit of the fabric to be priced. Multiply that amount by the increase in the unit cost of purchased sales yarn between the highest unit price at which you contracted to buy that yarn during your base period and the highest unit price at which you contracted to buy it between January 1 and March 15, 1951. If you did not contract to buy that yarn during your base period (or between January 1 and March 15, 1951), use the highest unit price at which your customary source of supply contracted in writing to sell it during each period to the class of purchaser in which you fall, or if he made no written contract, use the highest price at which, during such period, he made a written offer to sell it to the class of purchaser in which you fall.

(3) *Manufacturing materials.* Find the increase or decrease in the unit cost of manufacturing materials (see *Definitions*, section 17 of this regulation) which are actually used in a unit of the yarn or fabric to be priced. This increase or decrease is the difference between the highest unit price at which you contracted to buy these materials during your base period and the highest unit price at which you contracted to buy them during the period between October 1 and December 31, 1950. If you did not contract to buy these materials during the base period or during the period between October 1 and December 31, 1950, use the highest unit price at which your customary source of supply made an offer in writing to sell these materials to you during either the base period or the period between October 1 and December 31, 1950, provided, that you still have the written offer or obtain a copy of it from the offeror. If you did not contract to buy these materials, or did not receive a written offer of sale of these materials to you, during either the base period or the period between October 1 and December 31, 1950, use the unit price last prior to the expiration of your base period or last prior to December 31, 1950 at which your customary source of supply contracted in writing to sell the materials to the class of purchaser in which you fall, or if he made no written contract, use the price last prior to the expiration of your base period or last prior to December 31, 1950 at which he made a written offer to sell them to the class of purchaser in which you fall.

(4) *Labor.* Find the increase in your cost of labor (see *Definitions*, section 17 of this regulation) between the date of your base period price and March 15, 1951, per unit of the yarn or fabric to be priced.

(5) *Total unit cost factor.* Add or subtract the amount of the increases or decreases you have calculated for cotton, purchased sales yarn, manufacturing materials and labor. The result is your total unit cost factor. Where a fabric is sold shrunk you may further adjust this total unit cost factor by the same percentage working loss used during the base period.

(d) *Step 4; Ceiling price.* Add this total unit cost factor to the base period price found in paragraph (b) of this section. The result is your ceiling price for a unit of that yarn or fabric. To this ceiling price apply the provisions of section 9 of this regulation with regard to conditions of sale and classes of purchasers.

This section is applicable only when the yarn or fabric you are now pricing is the same as the yarn or fabric you sold during the base period.

Before you deliver a yarn or fabric at a ceiling price fixed by this section, you must file the report required by section 13 of this regulation.

SEC. 3. *Ceiling prices for yarns or fabrics comparable to those dealt in during your base period.* If you want to sell a yarn or fabric, for which you cannot establish a base period price under section 2 of this regulation but which is comparable to a yarn or fabric for which you are able to establish a base period price under that section, compute your ceiling price as follows:

(a) *Step 1; Computed cost of yarn or fabric to be priced.* The computed cost of the yarn or fabric to be priced is the cost, as of specified dates, of cotton, purchased sales yarn, other manufacturing materials and labor. Determine the computed cost by the following method (with waste credits to be taken according to your customary accounting procedure):

(1) *Cotton.* Find the physical amount of cotton used in a unit of the yarn or fabric you wish to price and multiply that amount by the published average of the spot prices in the 10 "designated markets" on March 15, 1951, adjusted for the grade and staple used.

(2) *Purchased sales yarn.* If a fabric contains purchased sales yarn, find the physical amount of that yarn used in a unit of the fabric to be priced and multiply that amount by the highest unit cost at which you contracted to buy that yarn between January 1, 1951 and March 15, 1951. If you did not contract to buy that yarn during that period use the highest price at which your customary source of supply contracted in writing to sell it during that period to the class of purchaser in which you fall, or if he made no written contract, use the highest price at which, during that period, he made a written offer to sell it to the class of purchaser in which you fall.

(3) *Manufacturing materials.* Find the unit cost of the manufacturing materials (see *Definitions*, section 17 of this regulation) which are actually used in a unit of that yarn or fabric, using the highest unit price at which you contracted to buy these materials during the period between October 1 and December 31, 1950. If you did not contract to buy these materials during the period between October 1 and December 31, 1950, use the highest unit price at which your customary source of supply made an offer in writing to sell these materials to you during that period provided that you still have the written offer or obtain a copy of it from the offeror. If you did not contract to buy these materials, or did not receive a written offer of sale of these materials to you, during the period between October 1 and December 31, 1950, use the unit price last prior to December 31, 1950, at which your customary source of supply contracted in writing to sell the materials to the class of purchaser in which you fall, or if he made no written contract, use the price last prior to December 31, 1950, at which he made a written offer to sell them to the class of purchaser in which you fall.

(4) *Labor.* Find your cost of labor for a unit of that yarn or fabric using your highest wage rates between February 15 and March 15, 1951.

(5) *Total computed cost.* Add the costs you have calculated for cotton, purchased sales yarn, manufacturing materials and labor. The result is your total computed cost of a unit of the yarn or fabric to be priced. Where a fabric is sold shrunk you may further adjust this total computed cost by the same percentage working loss used by you for the comparable fabric under paragraphs (b), (c) and (d) of this section.

(b) *Step 2; Comparable yarn or fabric.* Using only yarns or fabrics within the same category as the yarn or fabric to be priced, select among the yarns or fabrics for which you are able to establish a base period price under section 2 of this regulation, the first of the following which is available to you:

(1) A yarn or fabric which you are presently manufacturing whose computed cost computed by the method prescribed in paragraph (a) of this section is the same as or lower than the computed cost of the yarn or fabric you are pricing;

(2) A yarn or fabric you are presently manufacturing whose computed cost is next higher than the computed cost of the yarn or fabric you are pricing.

(c) *Step 3; Multiplication factor.* Compute by the method prescribed in section 2 of this regulation the ceiling price of a unit of the selected comparable yarn or fabric. Divide its ceiling price by its computed cost. This gives you the multiplication factor.

(d) *Step 4; Ceiling price.* Multiply the computed cost of a unit of the yarn or fabric you are pricing by the multiplication factor. The result is your ceiling price for a unit of that yarn or fabric. To this ceiling price apply the provisions of section 9 of this regulation with regard to conditions of sale and classes of purchasers.

Before you deliver a yarn or fabric at a ceiling price fixed by this section 3, you must file the report required by section 13.

SEC. 4. *Ceiling prices for yarns or fabrics not comparable to those dealt in during your base period.* If you produced and sold yarns or fabrics during

the base period but you cannot use sections 2 or 3 of this regulation to fix a ceiling price for a yarn or fabric you now want to sell, your ceiling price for the one you now want to sell shall be computed as follows:

(a) *Step 1; Cost of yarn or fabric to be priced.* Find your computed cost of a unit of the yarn or fabric you now want to sell by the method prescribed in section 3 of this regulation.

(b) *Step 2; Most "nearly like" yarn or fabric.* From the yarns or fabrics for which you are able to establish a base period price under section 2 of this regulation select the first of the following which is available to you:

(1) A yarn or fabric you are presently manufacturing which is most nearly like and for which the computed cost (see section 3 of this regulation) is the same as or lower than the computed cost of the yarn or fabric you are pricing;

(2) A yarn or fabric you are presently manufacturing which is most nearly like and for which the computed cost is next higher than the computed cost of the yarn or fabric you are pricing;

(3) A yarn or fabric you are no longer manufacturing which is most nearly like and for which the computed cost would be the same as or lower than the computed cost of the yarn or fabric you are pricing;

(4) A yarn or fabric you are no longer manufacturing which is most nearly like and for which the computed cost would be next higher than the computed cost of the yarn or fabric you are pricing.

(c) *Step 3; Dollars-and-cents difference.* Compute, in accordance with the method prescribed in section 2 of this regulation, the ceiling price of a unit of the yarn or fabric selected in paragraph (b) of this section. Then subtract from its ceiling price its computed cost determined in accordance with the method prescribed in section 3 of this regulation. The result is the dollars-and-cents difference.

(d) *Step 4; Ceiling price.* Add this dollars-and-cents difference to the computed cost (see paragraph (a) of this section) for a unit of the yarn or fabric you want to sell. This gives you the ceiling price for a unit of that yarn or fabric. To this ceiling price apply the provisions of section 9 of this regulation with regard to conditions of sale and classes of purchasers.

Before you deliver a yarn or fabric at a ceiling price fixed by this section 4, you must file the report required by section 13.

SEC. 5. *Ceiling prices for new sellers and for sales to an entirely new class of purchaser.* (a) If you did not at any time between July 1, 1949 and June 24, 1950 contract in writing to sell, or make a written offer to sell, or distribute price lists for, yarns or fabrics, or, if you wish to sell to an entirely different class of purchaser from any to which you sold during your base period, your ceiling price for a particular yarn or fabric is the same as the ceiling price of your most closely competitive seller of the same class selling that particular yarn or fabric to the same class of purchaser. Your ceiling price must carry the same price differentials as that of your most closely competitive seller. You cannot sell any yarn or fabric under this section, however, until 15 days after you have filed, by registered mail, the report required by paragraph (b) of this section, with the Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Thereafter you may sell at your proposed ceiling price unless and until notified by the Director of Price Stabilization that your proposed price has been disapproved or that more information is required. If you are notified that additional information is required, you cannot sell at your proposed price until you have filed such additional information, by registered mail, or until such time (not to exceed 15 days after the filing of the additional information requested) as the request for information shall specify. The Director may disapprove or revise ceiling prices reported under this section, at any time, even after the 15-day period, so as to bring them into line with other ceiling prices fixed by this regulation.

(b) *Required report.* Your report should state the name and address of your company; the name, address and type of business of your most closely competitive seller of the same class; a statement of his ceiling price and his price differentials to each of his classes of purchasers; your reasons for selecting him as your most closely competitive seller; a statement of your customary price differentials; and, if you are selling to an entirely new class of purchaser, a description of such class of purchaser. If you are starting a new business, you should include a statement whether you or the principal owner of your business are now or during the past twelve months have been engaged in any capacity in the same or a similar business at any other establishment, and, if so, the trade name and address of each such establishment. Your report should include the following: your proposed ceiling price and a description of the yarn and fabric you are pricing; the manufacturing process involved; the computed cost (computed by the method prescribed in section 3 of this regulation) for that yarn or fabric; the reason you believe the proposed ceiling price is in line with the level of ceiling prices otherwise established by this regulation; and the types of customers to whom you will be selling.

SEC. 6. *Manufacturers who cannot price under other sections.* If you claim that you are unable to determine your ceiling price for a yarn or fabric under any of the foregoing provisions of this regulation, you may apply in writing to the Director of Price Stabilization, Washington 25, D. C., for the establishment of a ceiling price. This application shall contain an explanation of why you are unable to determine your ceiling price under any other provision of this regulation; all pertinent information describing the yarn or fabric and the nature of your business; your proposed ceiling price and the method used by you to determine it; and the reason you believe the proposed price is in line with the level of ceiling prices otherwise established by this regulation. You may not sell the yarn or fabric until the Director of Price Stabilization notifies you in writing of your ceiling price.

SEC. 7. *Rounding ceiling prices.* You may round your ceiling prices determined under this regulation so that they will be expressed in the nearest cent or fraction of a cent you normally emp[illegible]. If you do so for one yarn or fabric you must similarly round the ceiling prices for all of your yarns or fabrics normally priced by you upon the same basis to reflect decreases as well as increases. In no event may the increase be greater than 1 percent of your ceiling price prior to rounding. For example, if you normally quote to the nearest quarter of a cent and your ceiling price for fabric A is 21.20¢ per unit, you may round that ceiling price to 21¼¢ per unit. However, if your ceiling price for fabric B is 27.30¢ you must round its ceiling price to 27¼¢.

SEC. 8. *Excise, sales, and other similar taxes*—(a) *Where the tax is included in your base period price.* If the price for a yarn or fabric you are to use under any of the sections of this regulation for the purpose of determining your ceiling price either for that yarn or fabric or another yarn or fabric includes any excise, sales or other similar tax which is not separately stated, you must first ascertain the amount of any such tax and exclude it from the price. The price, with any such tax so excluded, may then be used by you in connection with any appropriate computations under this regulation. After completing the computations involved in determining your ceiling price, you may then add on the appropriate amount of any such tax for inclusion as part of your ceiling price.

(b) *Where the tax is separately stated and collected.* In addition to your ceiling price determined under this regulation, you may collect the amount of any excise, sales or other similar taxes paid by you as such only if it has been your practice to state and collect such taxes separately from your selling price for the same or similar yarns or fabrics. In the case of such a tax imposed by law which is not effective until after the effective date of this regulation, you may collect the amount of the tax actually paid as such by you, if not prohibited by the tax law. You must in all such cases state separately the amount of the tax.

SEC. 9. *Conditions of sale and classes of purchasers.* Your ceiling price must carry the same terms, discounts, and other conditions of sale as your base period price for the same yarn or fabric (see section 2 of this regulation), the comparable one (see section 3 of this regulation) or the most nearly like one (see section 4 of this regulation) as the case may be. If you have classes of purchasers other than the class of purchaser you used in determining your base period price, your ceiling prices for sales to such other classes of purchasers are fixed by applying your customary price differentials in effect during the base period. In the event you made no base period sales to a particular class of purchaser, you apply your customary differentials last in effect prior to the base period, or, if none, then those first in effect after the base period but prior to this regulation. You shall sell your seconds, irregulars, short pieces, pound goods, and off-goods classified in the

same manner and at the same discounts as during the base period.

SEC. 10. *Redetermination of Ceiling Price.* (a) Once you have reported your ceiling price or a proposed ceiling price for a yarn or fabric as required by this regulation, you may not thereafter redetermine it except as required by paragraph (b) of this section. A purely arithmetical error may, however, be corrected, but the correction must be reported to the Consumer Soft Goods Division of the Office of Price Stabilization, Washington 25, D. C.

(b) The Director of Price Stabilization expects in due course to issue an amendmend to this regulation providing for a redetermination of your ceiling prices under this regulation. The primary purpose of this redetermination would be to reflect more accurately the materials prices established by this and other ceiling price regulations. The Director of Price Stabilization may also from time to time announce "materials cost increase factors" for certain materials in order to provide greater uniformity in the calculation of their change in price since the end of your base period. These factors will be percentage figures based on studies of some categories of important basic materials. If such a factor is announced, it must be used in place of any change you have had in the price of the material covered by the factor, regardless of whether the factor is higher or lower. These "materials cost increase factors" may be announced by amendments or by supplementary regulations to this regulation.

SEC. 11. *Adjustment of ceiling prices where over-all loss in operations results.* (a) This section permits you to apply for an upward adjustment of your ceiling prices established by this regulation, if as a result of these ceiling prices, you would operate at a loss.

(b) You may apply under this section if:

(1) Your total manufacturing operations have been conducted at a net loss for a period of operation under this regulation of at least one month, or would have been conducted at a loss if you had manufactured the yarns or fabrics covered by this regulation in your customary quantities and proportions;

(2) The loss was attributable to the level of prices established by this regulation, and not to any of the following:

(i) Seasonal, non-recurring or temporary factors affecting your operation; or

(ii) A reduction in volume of production below the normal economical capacity of your plant; or

(iii) The payment of unlawful wages or excessive salaries or of unlawful or excessive prices for materials; or

(iv) The incurring of factory overhead costs or of selling, administrative and general costs which are abnormally high relative to sales or other costs unless such excess is demonstrated by clear and convincing evidence to have been unavoidable in the exercise of sound business judgment and management; or

(v) Any transactions with affiliated corporations or businesses which either are of a kind which would not result from arm's-length bargaining or differ from the transactions which you have customarily had with such affiliated corporations or businesses; or

(vi) Reserves for contingencies.

(3) The adjusted prices for which you apply will not be substantially out of line with the prices of similar yarns or fabrics manufactured by other sellers under this regulation.

(c) If you make application under this section, you must supply:

(1) Your name, address, a description of your manufacturing facilities and of the yarns or fabrics you manufacture, a statement of the principal types of customers to whom you sell;

(2) A detailed annual profit and loss statement for your firm for the years 1946 through 1949, and both an annual profit and loss statement, and if you regularly prepare them, quarterly profit and loss statements covering the year 1950 and each quarter since then;

(3) A detailed profit and loss statement covering a period of operations of one month or more under this regulation, together with a careful explanation of how it was prepared, including particularly a justification of any estimating procedures used in its preparation;

(4) For yarns or fabrics covered by this regulation, either (i) a statement of your base period and ceiling prices to your largest buying class of purchasers (including delivery terms, cash, trade and volume discounts, allowances, premiums and extras, deductions, guarantees, servicing terms and other terms and conditions of sale), a schedule of your price differentials to your other classes of purchasers; or (ii) a copy of the report required and submitted to the Office of Price Stabilization under sections 5 or 13 of this regulation, together with (iii) a statement of the section or sections under which you established your ceiling prices.

(5) A showing that the loss in your current operations was not due to any of the six factors in paragraph (b) (2) of this section;

(6) A list of your principal competitors, and a statement of their ceiling prices under this regulation for yarns or fabrics similar to yours, together with data showing the past relationship of your prices to those they have charged for the same or similar yarns or fabrics;

(7) A proposed schedule of adjusted ceiling prices for yarns or fabrics covered by this regulation, and a demonstration that, if these prices were charged, your operations would be at a break-even position.

(8) The application must refer specifically to this section of the regulation, must be signed by a responsible officer of your company, and should be sent to the Office of Price Stabilization, Washington, 25, D. C.

(d) Within thirty days of the receipt of your application, the Director will grant or deny your application in full or in part, or request further information. The Director may, as a condition of granting your application in full or in part, require you to submit reports of subsequent operations and may revoke or modify the adjustment at any time. If, thirty days after the acknowledgment of receipt of your application, none of the actions listed above has been taken, you may sell at your proposed ceiling prices until such time as the Director shall notify you that these prices have been disapproved.

SEC. 12. *Records.* (a) You must keep and make available for examination by the Office of Price Stabilization for a period of two years the records you customarily maintain showing the prices you charge for yarn or fabric sold or delivered after the effective date of this regulation. You must also preserve until two years after the expiration of the Defense Production Act of 1950 all of the data required to be reported under any section of this regulation, and, in addition, the following data:

(1) All contracts of sale of yarn or fabric entered into during your base period. For yarns or fabrics for which you have established a base period price through a written offer to sell, preserve a copy of each such written offer to sell. If you have established base period prices through price lists, preserve a copy of each such price list.

(2) All contracts which you entered into during your base period and between January 1 and March 15, 1951, to buy purchased sales yarn. All contracts which you entered into during your base period and between October 1 and December 31, 1950, to buy other manufacturing materials. If you are establishing for the purpose of computations in sections 2, 3 or 4 of this regulation, a purchase price for such a yarn or material through a supplier's price, obtain and preserve a statement, signed by the principal owner or an officer of the supplying company, of the highest unit price at which your supplier contracted in writing, or made a written offer, to sell such yarn or material during your base period (or between January 1 and March 15, 1951, or between October 1 and December 31, 1950) to a purchaser of the class in which you fall.

(b) You shall continue to preserve all records required to be preserved by section 16 (a) of the General Ceiling Price Regulation and, for the period specified in section 16 (b) of the General Ceiling Price Regulation, all records required by that section relating to sales of yarn or fabric made between January 26, 1951, and May 28, 1951.

SEC. 13. *Reports.* Prior to making any deliveries of yarns or fabrics for which ceiling prices are established by sections 2, 3 or 4 of this regulation, you must file by registered mail, the report required by this section, with the Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. You may deliver, upon filing the required report, unless and until notified by the Director of Price Stabilization that your proposed price has been disapproved or that more information is required. If you are notified that additional information is required, you cannot sell at your proposed price until you have filed such additional information by registered mail, or until such time (not to exceed 15 days after the filing of the additional information requested) as the request for information shall specify. The Director of Price Stabilization may at

any time disapprove or revise ceiling prices reported under this section so as to bring them into line with the level of ceiling prices otherwise established by this regulation.

(a) When you are computing ceiling prices under section 2 of this regulation the following information must be reported with respect to the first yarn or fabric you price within a category. If this yarn or fabric first to be priced is not that which within the category constituted historically your largest dollar volume item, you must report with respect to both:

(1) Your name and address;

(2) A description of the yarn or fabric and the category in which it falls;

(3) The ceiling price under the General Ceiling Price Regulation, as amended, and the section thereof under which it was determined, of the yarn or fabric for which you are computing a ceiling price under section 2 of this regulation;

(4) For a yarn or fabric for which you established a base period price through a written contract to sell, your report should include the name, address, and class of purchaser, the date of the contract, and the price. For a yarn or fabric for which you had no contract of sale but have established a base period price through a written offer to sell, your report should include the offering price, the date of the offer, the name, address, and class of the recipient of the offer. For a yarn or fabric for which you have established a base period price through a price list, your report should include the price list, together with its date of issuance, and itemization of substantial deliveries thereunder.

(5) Your customary price differentials to different classes of purchasers.

(6) A computation sheet showing how you arrived at your ceiling price.

(b) When you are computing ceiling prices under section 2 of this regulation for all items other than the ones for which you are required to file the report prescribed in paragraph (a) of this section, your report should include the following:

(1) Your name and address;

(2) A description of the yarn or fabric and the category in which it falls;

(3) The ceiling price for the yarn or fabric you are pricing.

(c) When you are computing a ceiling price under sections 3 or 4 of this regulation, your report should include both with respect to the yarn or fabric being priced and the comparable or most nearly like yarn or fabric used in computing your ceiling price, the following:

(1) Your name and address;

(2) A description of the yarn or fabric and the category in which it falls;

(3) A description of the types or grades and amount of cotton and purchased sales yarn used in the yarn or fabric; the published average of the spot prices in the 10 "designated markets" on March 15, 1951, for each unit of the grade and staple of cotton used; the highest purchase price, or the highest contract or written offering price of your customary source of supply, for each unit of purchased sales yarn between January 1, 1951, and March 15, 1951; and the highest aggregate unit cost of other manufacturing materials between October 1 and December 31, 1950;

(4) The cost of labor for a unit of the yarn or fabric computed at your highest wage rates between February 15 and March 15, 1951;

(5) The ceiling price under section 2 of this regulation of the comparable or the most nearly like yarn or fabric;

(6) The multiplication factor as computed under section 3 of this regulation or the dollars-and-cents difference as computed under section 4 of this regulation;

(7) The ceiling price for the yarn or fabric you are pricing.

SEC. 14. *What acts are prohibited by this regulation.* On and after May 28, 1951, regardless of any contract or other obligation, the following practices are forbidden:

(a) *Charging more than ceiling prices.* Except as provided in section 1 of this regulation, you are prohibited from selling or delivering yarn or fabric at a price higher than that permitted by this regulation. A lower price may, of course, be charged. Nothing in this regulation shall be construed to prohibit the making of a contract or offer to sell a yarn or fabric at (1) the ceiling price in effect at the time of delivery or (2) the lower of a fixed price or the ceiling price in effect at the time of delivery.

(b) *Buying for more than ceiling price.* All persons are prohibited from buying or receiving, in the course of trade or business, any yarn or fabric sold or delivered in violation of this regulation.

(c) *Evasion.* No person shall evade or circumvent this regulation by any direct or indirect methods in connection with the sale, purchase, delivery or transfer of yarn or fabric alone or in conjunction with any other commodity or material, or by way of commission, transportation charge, or other charge, or discount, premium, or other privilege, or by up-grading, tie-in agreement, trade understanding, or otherwise.

(d) *Attempts to violate.* All persons are prohibited from agreeing, offering, soliciting, or attempting to do any of the acts prohibited by this regulation.

SEC. 15. *Enforcement.* If you violate any provision of this regulation, you are subject to the criminal penalties, civil enforcement actions, and suits for damages provided for by the Defense Production Act of 1950.

SEC. 16. *Petitions to amend this regulation.* Any person seeking an amendment of this regulation may file a petition for amendment in accordance with Price Procedural Regulation 1.

SEC. 17. *Definitions.* (a) "Category" means a group of yarns or a group of fabrics which are normally classed together for purposes of production, accounting or sales. Illustrative categories of yarns are set out in Appendix "A", and illustrative categories of fabrics in Appendix "B." These groupings are intended only as examples and are not necessarily all-inclusive.

(b) "Class of purchaser or purchaser of the same class" is determined in the first instance by reference to your own practice of setting different prices for sales to different purchasers or groups of purchasers. The practice may (but need not) be based on the characteristics or distributive level of the buyer (for example, manufacturer, wholesaler, individual retail store, retail chain, mail order house, government agency, public institution). It may (but need not) be based on the location of the purchaser or the quantity purchased by him. If you have followed the practice of giving an individual customer a price differing from that charged others, that customer is a separate class of purchaser.

If in your industry a practice prevails of charging different prices for sales to groups of buyers based on their characteristics or distributive level, any such group to whom you did not make sales during your base period and for whom you did not have a customary differential in effect during or before your base period, is a separate class of purchaser as to you.

(c) "Cost of labor" means the cost of labor that enters directly into the product and is paid at hourly or piece rates. In addition, it includes the cost of labor for factory supervision, ordinary maintenance, repair of plant or equipment, materials control, and testing and inspection. It may include the equivalent, on an hourly or piece rate basis, of so-called fringe benefits (for example, pension plans, paid vacation and insurance programs). It does not include the cost of labor for general administration, sales, advertising, research, major repairs or replacement of plant or equipment and expansion of plant or equipment. In computing the cost of labor for a unit of yarn or fabric under this regulation, you shall allocate the permitted labor costs according to your customary accounting method. The same method must be used in all computations of unit cost of labor.

(d) "Cotton yarn or fabric" means a yarn or fabric which consists, after production but before finishing, of 50 percent or more of cotton by fiber weight and containing less than 25 percent by fiber weight of any one of either wool, rayon, nylon or other fibers. Any two or more of wool, rayon, nylon or other fibers may exceed 25 percent provided that such combination does not exceed 50 percent. It does not include a yarn or fabric in which the cotton component consists entirely of American-Egyptian cotton or extra long staple Egyptian type cotton grown outside the United States.

(e) "Manufacturer of cotton yarn or fabric" means a person who for his own account produces (or has produced for him) and sells (or has sold for him) a spun cotton yarn or a woven, non-woven or knitted cotton fabric. It does not include a converter or a finisher other than a converter or finisher of woven bed spreads, sheets, pillow cases, diapers and towels (end-use products).

(f) "Manufacturing material" means material, except domestic cotton or purchased sales yarn, entering directly into the yarn or fabric being priced or used directly in the manufacturing processes from which the yarn or fabric results, together with purchased fuel, steam or electric power, packaging materials, and

subcontracted industrial services which are directly related to the yarn or fabric. It does not include materials or subcontracted industrial services used in replacing, maintaining or expanding your plant and equipment, nor other materials or supplies the use of which is not directly dependent upon the rate at which you manufacture the yarn or fabric being priced. In computing the cost of manufacturing material for a unit of yarn or fabric under this regulation, you shall allocate the permitted manufacturing material costs according to your customary accounting method. The same method must be used in all calculations of unit cost of manufacturing material.

(g) "Most closely competitive seller of the same class" means the seller with whom you are in most direct competition, even though he may perform a different function with respect to the yarn or fabric (for example, as a manufacturer your most closely competitive seller might be a wholesaler). You are in direct competition with another seller who sells the same types of yarn or fabric to the same classes of purchasers in similar quantities, on similar terms, and rendering approximately the same amount of services.

(h) "Person" means an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representatives of any of the foregoing, and includes the United States or any other government and their political subdivisions or agencies.

(i) "Price list" means a written price list issued to your salesman in your customary manner, provided you made substantial deliveries of any of the items on the list at the prices on the list.

(j) "Sample quantity contracts" means contracts for quantities of less than your standard delivery unit to your largest class of purchaser.

(k) "Sell" includes sell, supply, dispose, barter, exchange, lease, transfer and deliver, and contracts and offers to do any of the foregoing. The terms "sale", "selling", "sold", "seller", "buy", "purchase", and "purchaser" shall be construed accordingly.

(l) "Written offer to sell" means an offer in writing to a customer to sell a yarn or fabric at a specified price. It includes a written price list distributed to the trade or a substantial number of customers in the seller's customary manner. The term does not include an offer at a price intended to withhold a yarn or fabric from the market or used as a bargaining price by a seller who usually sells at a price lower than his asking price. It does not include a price list issued to salesmen as defined in paragraph (i) of this section.

(m) The pronoun "you" as used in this regulation means the person subject to the regulation. "Your" and "yours" shall be construed accordingly.

(n) All other words or phrases relating to the trade which are used in this regulation have the meanings generally accepted and understood by the trade.

Effective date: This regulation shall become effective on May 28, 1951.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 16, 1951.

APPENDIX A—EXAMPLES OF YARN CATEGORIES

1. Carded sales yarns, singles.
2. Carded sales yarns, plied.
3. Combed sales yarns, singles.
4. Combed sales yarns, plied.
5. Thread.

APPENDIX B—EXAMPLES OF FABRIC CATEGORIES

Bedspreads.
Blankets, blanketing and blanket robe cloth.
Broadcloth, carded.
Broadcloth, combed.
Bunting.
Canton (mitten flannel).
Chambray, carded.
Chambray, combed.
Cheesecloth.
Corduroy, carded.
Corduroy, combed.
Cottonade.
Coutil.
Covert.
Damask.
Denim.
Diaper cloth.
Dimity.
Drapery cloth.
Drill.
Duck, filter twill, etc.
Felts.
Flannel.
Frock cloth.
Gabardine, carded.
Gabardine, combed.
Gingham, carded.
Gingham, combed.
Jean.
Lawn, carded.
Lawn, combed.
Organdy.
Osnaburg.
Oxford.
Pique and waffle cloth, carded.
Pique and waffle cloth, combed.
Pongee.
Poplin, carded.
Poplin, combed.
Print cloth.
Sateen, carded.
Sateen, combed.
Seersucker, carded.
Seersucker, combed.
Sheeting (hard twist).
Sheeting (soft filling).
Sheets and pillow cases.
Swiss.
Terry products.
Tissue.
Tobacco cloth.
Towels and toweling.
Twill.
Velveteen.
Voile.
Whipcord.
Woven decorative fabrics.
Woven ticking.

[F. R. Doc. 51-5821; Filed, May 16, 1951; 4:00 p. m.]

[General Ceiling Price Regulation Amdt. 2 to Supplementary Reg. 3]

GCPR, SR 3—FOOD, AGRICULTURAL AND RELATED COMMODITIES

INCLUSION OF RETAIL SALES; SOYBEANS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this amendment No. 2 to Supplementary Regulation No. 3 to the General Ceiling Price Regulation (16 F. R. 808) is hereby issued.

This amendment does four things: (1) it clarifies Supplementary Regulation 3 by providing ceiling prices for sales of soybeans at the farm which are less than the ceiling prices at the country elevator; (2) it fixes ceiling prices for merchant-truckers of soybeans; (3) makes it clear that the regulation applies to retail sales; and (4) makes certain other clarifying amendments which effect no substantive change in the regulation.

Supplementary Regulation 3 was intended to fix the ceiling prices for soybeans at the farm as well as ceiling prices at various other marketing levels. However, the regulation left doubt as to whether the ceiling prices of producers included transportation costs to the country elevator. This amendment clarifies Supplementary Regulation 3 by providing separate ceiling prices for sales at the farm based on ceiling prices at the country elevator less a uniform transportation deduction. This difference in price corresponds with the custom of the trade. Normally, most soybeans are not sold on the farm, but are sold at the country elevator. When sales are made at the farm level, however, it is the custom to sell for a lesser price, reflecting the transportation differential from the farm to the country elevator. The standard amount to be deducted, as representing transportation costs in calculating prices at the farm, was found by using the hauling allowances fixed in this amendment for the distance most producers must transport their soybeans to the nearest country elevator.

At the time of the issuance of Supplementary Regulation 3, no ceilings were fixed for trucker-merchants—persons who purchase soybeans at the farm and transport them to the elevator or processor. The reason for the omission was that attempts were being made to obtain sufficient data to fix appropriate ceilings, but complete information was not then on hand. While the lack has not been completely satisfied, and the ceilings set by this amendment may require revision, consultation with industry representatives indicates that there probably have been no substantial changes requiring departure from the rates fixed by the Office of Price Stabilization. This amendment, therefore, fixes ceiling prices for trucker-merchants at the Office of Price Stabilization levels.

With respect to a particular lot of soybeans, the country-shipper[1] may perform the function of trucker-merchant as well as that of country shipper. If he does so, he is permitted, by this amendment, to add to his ceiling price of that lot of soybeans, the appropriate charges allowed trucker-merchants. No provision is made for like increases in the ceilings of any other handlers of

[1] This term, for reasons of draftsmanship and symmetry only, has been substituted for "country elevator", which was used in Supplementary Regulation 3.

soybeans because they do not, ordinarily, perform the function of a trucker-merchant in addition to their principal functions of commission merchant, truck merchandiser and the like. As to producers, their ceiling prices at the country elevator already reflect transportation costs.

Supplementary Regulation 3 caused confusion and misunderstanding among retailers of soybean chips, soybean oil cake or 41 per cent soybean oil meal, soybean flakes or 44 per cent soybean oil meal because section 1 (c) established ceiling prices for retailers of those commodities, whereas section 1 (d) provided that: "This section shall not apply to sales at retail of any of these commodities:", and the statement of considerations stated: "These ceilings will apply to sales—up to but not including sales by the retailer whose ceilings will be those determined under the General Ceiling Price Regulation."

It was intended that retail ceiling prices for the commodities in question should be established by the regulation, and this amendment accomplishes that purpose. As for the other commodities covered by Supplementary Regulation 3, section 1 (a), dealing with green coffee and raw cocoa beans, by its terms refers only to sales in bulk; soybeans are not sold at retail in their unprocessed state; and section 2, dealing with undressed hogs, excludes sales at retail from its operation.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization the provisions of Supplementary Regulation 3, as amended hereby, to the GCPR are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950 to June 24, 1950; and to relevant factors of general applicability.

In formulating this amendment to Supplementary Regulation 3 to the GCPR, the Director has consulted with representatives of the industry to the extent practicable under the circumstances and has given consideration to their recommendations.

AMENDATORY PROVISIONS

Supplement 3 of the General Ceiling Price Regulation is further amended in the following respects:

1. Section 1 is amended by deleting the words "(other than retailers)" from the title of section 1.

2. Sections 1 (b) (3) (iii), (iv) and (v) are amended to read as follows:

(iii) If you are, with respect to a particular lot of soybeans, a country shipper—that is, you unload soybeans into your elevator or warehouse from trucks at any point before movement of the beans by rail, water or further movement by truck—your ceiling price for that lot f. o. b. cars, barges or trucks at your elevator or warehouse is determined as follows:

(*a*) For shipment by rail (including shipment by a country shipper who can load either to rail cars or barges) the Chicago base ceiling price less applicable rail transportation charges from Chicago to your elevator or the applicable base ceiling price for your State, whichever is higher;

(*b*) For shipment by barge, the Chicago base ceiling price less applicable barge transportation charges from your elevator to Chicago, or the applicable base ceiling price for your State, whichever is higher;

(*c*) For shipment by truck, after transfer through your elevator or warehouse, the Chicago base ceiling price less applicable rail transportation charges from your elevator to Chicago, or the applicable base ceiling price for your State, whichever is higher, plus a hauling allowance at the rate specified in subparagraph (7) of this section.

If, with respect to any lot of soybeans, you perform the functions of a trucker-merchant, as that term is defined in subparagraph (6) of this section, as well as the functions of a country-shipper, you may, with respect to such lot of soybeans, add to your ceiling price as a country-shipper, as established by this subparagraph, the appropriate hauling allowance of a trucker-merchant set forth in subparagraph (7).

(iv) If you are the producer, and you deliver your soybeans to a country shipper at his elevator or warehouse, your ceiling price is the ceiling price of that country shipper less the appropriate elevator and handling charges provided by the Uniform Grain Storage agreement. If you deliver the soybeans at the farm where grown or at roadside near such farm, your ceiling price shall be the same as the ceiling price you would be entitled to, pursuant to the provisions of this section, if you were to deliver to your nearest country elevator or warehouse, less three cents per bushel.

(v) If you are a track merchandiser, or a commission merchant in any terminal market or grain exchange other than Chicago, your ceiling price is your supplier's ceiling price on his sale and delivery to you plus the transportation charges which you paid or incurred plus two cents per bushel.

3. There is added to section 1 (b) a new subparagraph, numbered and reading as follows:

(6) If you are, with respect to any lot of soybeans, a trucker-mechant—that is, if you purchase that lot of soybeans for resale and, without loading them into a barge or railroad car or unloading them into an elevator or warehouse for your own account or use, you transport and deliver them to your customer in a truck or other vehicle owned or leased and operated by you—your ceiling price is your supplier's ceiling price on his sale and delivery to you plus the appropriate hauling allowance specified in subparagraph (7) of this section.

4. There is added to section 1 (b) a new subparagraph, numbered and reading as follows:

(7) "Hauling allowance" means the appropriate charge, for transportation of soybeans by truck, as determined by the following scale of charges:

If the total haul does not exceed 100 miles: 3 cents per 100 lbs. for the first 5 miles, plus one cent per 100 lbs. for each additional 5 miles or fraction thereof.

If the total haul exceeds 100 miles: The lowest local carload rail rate for soybeans from the rail point nearest the point of origin to the rail point nearest the point of destination plus 8 cents per 100 lbs. (but not to exceed 22 cents per 100 lbs.) plus ¼ cent per 100 lbs. for each 5 miles or fraction thereof over 100 miles.

In calculating the mileage for any haul, you shall use the mileage of the shortest route, reasonably suitable for truck movement, between the point of origin and the point of destination.

5. Paragraph (d) of section 1 is deleted in its entirety.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment is effective May 22, 1951.

EDWARD F. PHELPS, Jr.,
Acting Director of Price Stabilization.

MAY 17, 1951.

[F. R. Doc. 51-5851; Filed, May 17, 1951; 10:27 a. m.]

[General Ceiling Price Regulation, Amdt. 3 to Supplementary Regulation 5]

GCPR SR 5—RETAIL PRICES FOR NEW AND USED AUTOMOBILES

ADJUSTMENTS IN CEILING PRICES FOR REMOVAL OF STANDARD EQUIPMENT AND MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105) and Economic Stabilization Agency General Order No. 2 (16 F. R. 738) this Amendment 3 to Supplementary Regulation 5 (16 F. R. 1769) to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

Manufacturers of automobiles have been prohibited from equipping new cars with spare tires and tubes since April 1, 1951, by an amendment to Order M-2, issued by the National Production Authority. To compensate for the absence of the fifth tire and tube, and for the elimination of any other standard equipment, this amendment requires the seller to reduce his ceiling price by the standard charge he had in effect on January 26, 1951, for the eliminated standard equipment. If the seller had no standard charge in effect on January 26, 1951, he is required to determine his deduction for the eliminated standard equipment by increasing the manufacturer's deduction in price made to him, because of the elimination of the standard equipment, by his January 26, 1951 percentage markup on the entire automobile. This provision will insure that the seller does not receive a higher percentage markup than he did before the standard equipment was eliminated.

To facilitate compliance by dealers and to aid in the enforcement of this regulation, a section has been added to describe a number of evasive practices which are forbidden by this regulation.

This amendment also provides that the March–April issue of the Kelley Blue Book Official Guide, published by Les Kelley, may be used only in determining the ceiling price of 1939 or more recent model used cars. This guide is not permitted to be used for models older than 1939 because it does not list prices for 1938 models. Accordingly the January issue of the Kelley Blue Book Official Guide is to be used in determining the ceiling prices of all 1938 or older models.

AMENDATORY PROVISIONS

1. Section 3 (a) is amended to read as follows:

(a) The manufacturer's suggested list price, f. o. b. factory, in effect prior to January 26, 1951, for that make and model car. If the car is a new model for which the manufacturer had not published a list price prior to January 26, 1951, the suggested list price which the manufacturer first publishes after January 26, 1951 must be used. This suggested list price shall include all equipment that was standard for each such make and model on January 26, 1951, or if the ceiling price is established on the basis of a counterpart model in the previous line, the equipment that was standard for such counterpart model. In the event that a new automobile is sold without such standard equipment, the manufacturer's suggested list price shall be reduced by the standard charge which the seller had in effect to the same class of purchaser on January 26, 1951, for the standard equipment which has been eliminated. If the seller had no standard charge for such standard equipment in effect on January 26, 1951, he shall determine his standard charge for the standard equipment eliminated in the following manner:

(1) The seller shall first determine the price, f. o. b. factory, which he had in effect to the same class of purchaser for the complete automobile on January 26, 1951.

(2) The seller shall then divide this price by the cost, f. o. b. factory, in effect to him for the complete automobile on January 26, 1951.

(3) The seller shall then multiply the allowance which the manufacturer makes to him because of the elimination of such standard equipment by the quotient determined under subparagraph (2) of this section. The resulting dollars and cents figure is the standard charge which the seller must deduct from the net price which he had in effect on January 26, 1951, to the same class of purchaser.

2. Section 3 is amended by deleting therefrom the last paragraph which begins with the words, "The ceiling delivered price established by this section is ------", and ends with the words, "(------, which value should be related to the ceiling price for the used car established by section 4).".

3. Section 3 is amended by adding the following undesignated paragraph at the end thereof:

The ceiling delivered price established by this section is the price for sales for cash. The dealer may sell on other terms when so requested in writing by the purchaser.

4. In the table in section 4 (g), the entry under the heading "Issue", on the same line as "Kelley Blue Book Official Guide, published by Les Kelley" is amended to read "March–April issue for 1939 and more recent models—January issue for 1938 and older models."

5. Section 5 is amended to read as follows:

SEC. 5. *Prohibitions.* After the effective date of this regulation, regardless of any contract or other obligation, no person shall sell, deliver or otherwise dispose of a new or used automobile, or buy or receive, in the regular course of business or trade, a new or used automobile at a price in excess of the ceiling price established by this regulation, and no person shall agree, offer, solicit or attempt to do any of the foregoing.

6. Section 7 is added to read as follows:

SEC. 7. *Evasion*—(a) *In general.* The price limitations set forth in this regulation shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase, lease of, or relating to, a new or used automobile, alone or in conjunction with any other commodity or service; or by way of commission, service, transportation, or other charge, discount, premium or other privilege; or by tie-in agreement or other trade understanding; or otherwise.

(b) *Specific practices.* The following practices are specifically, but not exclusively, among the practices prohibited by paragraph (a) of this section and are itemized here only to lessen the frequency of interpretative inquiries which experience indicates are likely to be made under the general evasion provision:

(1) Requiring a purchaser of a new or used automobile to buy any equipment, accessories, parts, repairs, or any other commodity or service as a condition of the sale or transfer of the new or used automobile.

(2) Requiring either the purchaser or any other person to trade in, exchange or transfer to the seller or his designee any vehicle or commodity as a condition to the purchase of a new or used automobile, regardless of whether such trade-in, exchange or transfer is part of the same transaction or is a separate transaction.

(3) Giving an allowance or compensation for the trade-in, exchange or transfer of an automobile which is less than its reasonable value to the dealer. The reasonable value of a used automobile to the dealer must bear a reasonable relationship to the ceiling price of the used automobile as established by section 4 of this regulation.

(4) Requiring the purchaser to buy on credit as a condition of the sale or transfer of a new or used automobile.

(5) Requiring the purchaser to finance a new or used automobile through any particular lending agency.

(6) Establishing terms or conditions of sale more onerous to purchasers than they have customarily been, except to the extent allowed by this regulation.

(7) Requiring any person to pay a purchase commission or fee, if the sum of the commission and the purchase price exceeds the ceiling price.

(8) Renting or leasing a new or used automobile with an option to purchase, where the sum of the rental and the sale price exceeds the ceiling price established by this regulation for the sale of the automobile.

(Sec. 704, Pub. Law 774, 81st Cong.)

This amendment shall become effective May 22, 1951.

EDWARD F. PHELPS, JR.,
Acting Director of Price Stabilization.

MAY 17, 1951.

[F. R. Doc. 51-5853; Filed, May 17, 1951; 10:27 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-4, as Amended May 11, 1951]

M-4—CONSTRUCTION

EDITORIAL NOTE: The following is a complete restatement of NPA Order M-4, embodying all changes effected by the amendment to said Order M-4 as published in the FEDERAL REGISTER, April 12, 1951, 16 F. R. 4463.

This order as amended is found necessary and appropriate to promote the national defense, and is issued pursuant to authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. In the formulation of this amendment, however, consultation with industry representatives, including trade association representatives, was found to be impracticable due to the necessity for immediate action.

This amendment affects NPA Order M-4 as amended May 3, 1951, as follows: It adds a new subparagraph (3) to paragraph (b) of section 5 and a new paragraph (f) to section 5, and it also makes certain changes in lists A and B.

As amended, NPA Order M-4 reads as follows:

Sec.

Sec.
15. List A—Prohibited construction.
16. List B—Construction where NPA authorization is required.
17. List C—Additional construction where NPA authorization is required.

AUTHORITY: Sections 1 to 17 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* In order to further the purposes of the Defense Production Act of 1950 by conserving critical materials and services needed for the defense program, this order prohibits the commencement of construction of certain types of buildings, structures and projects unless specific exception is made, or authorization issued, by the National Production Authority. The order allows, within specified limits, small construction jobs, and necessary maintenance and repair of buildings, structures or projects, and also permits, under specified circumstances, the restoration of buildings, structures, or projects in the event of a disaster, act of God, or an act of war.

SEC. 2. *Policy of the National Production Authority.* In the event that increasing shortages clearly indicate the necessity for such action, in the national interest, the National Production Authority may further limit the commencement of construction of additional types of buildings, structures or projects which do not support the defense effort, or increase the Nation's production capacity for defense.

SEC. 3. *Definitions.* For the purpose of this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(b) "Construction" means the erection of any building, structure, or project, or addition or extension thereto, or alteration thereof, through the incorporation-in-place on the site of materials which are to be an integral and permanent part of the building, structure or project.

(c) "Commence construction" means substantial site clearance (including demolition of buildings or structures), preliminary to the start of or incident to the work on a new building, structure, or project; or to incorporate into a building, structure, or project, substantial quantities of materials which are to be an integral and permanent part of such building, structure, or project.

(d) "Construction cost" means the total expense for demolition of existing structures in connection with a new construction, for site preparation, and for building materials, building equipment, labor and services used in the construction of the particular building, structure, or project, by whomever spent. It does not include the cost of personal property, or the expense for land acquisition, attorneys, architects, and financing.

(e) "Consumer goods" means articles or commodities that directly satisfy human wants or desires, and which are capable of use without further processing (for example, clothing, food, furniture, floor covering, household appliances, motor vehicles, etc.). They are distinguished from capital goods (for example, dynamos, industrial ovens, generators, etc.). They are distinguished also from production goods that satisfy wants only indirectly as factors in the production of other articles or commodities (for example, machine tools, heavy duty presses, etc.).

(f) "Damage restoration" means restoring to substantially the same size and condition on the same site, any building, structure or project which has been damaged by storm, fire, flood, or other disaster, or by act of God, or act of war.

(g) "Maintenance and repair" means such work as is necessary to keep a building, structure, or project in sound working condition or to rehabilitate a building, structure, or project or any portion thereof, when the same has been rendered unsafe or unfit for service by wear and tear, or other similar causes. The term does not include any building operation or job where substantial structural alterations or changes in design are made.

(h) "Office building" means any building the principal use of which is to provide office space or office facilities, regardless of whether it is designed for the exclusive or partial use of its owner or is to be used commercially and rented to prospective tenants, including buildings for use by government agencies. The size of the building is not a determinative factor in deciding whether a building is an office building as the term includes both one-story and multistoried structures; but the term does not include a private residence with incidental office space located therein for the use of the occupant.

(i) "Hotel" means either or both an establishment furnishing sleeping accommodations for transient guests, or an establishment classified as a hotel under applicable State, municipal, or other local law.

SEC. 4. *Prohibited construction.* (a) (1) Except as permitted in section 5 of this order, or pursuant to an adjustment or exception granted under section 11 of this order, after midnight October 26, 1950, no person shall commence construction of any building, structure, or project to be used for, or in connection with, any of the purposes specified, as set forth in section 15 of this order.

(2) Since October 26, 1950, the National Production Authority has issued exceptions to permit the commencement of construction of specific buildings, structures, or projects of the type prohibited by section 15 of this order. All such exceptions granted prior to January 13, 1951, will cease to be effective 120 days after the date of issuance, unless construction has been commenced within that time; and construction of any such building, structure, or project may not be commenced thereafter without a further authorization from the National Production Authority.

(b) (1) After midnight, January 13, 1951, with respect to construction specified in section 16 (list B), and after midnight, May 3, 1951, with respect to construction specified in section 17 (list C), no person shall commence construction of any building, structure, or project to be used for, or in connection with, any of the purposes specified, as set forth in section 16 (list B) or section 17 (list C), until a specific authorization therefor has been issued by the National Production Authority. The conditions which must exist before an authorization will be issued are set forth in section 6.

(2) In matters involving unreasonable hardship, or when required in the interest of the national defense, the National Production Authority may grant an exception from this order, pursuant to section 11, with respect to types of construction specified in section 16 (list B) and section 17 (list C).

SEC. 5. *Exemptions.* The following construction in connection with the buildings, structures, or projects to be used in connection with any of the purposes specified in sections 15, 16, and 17 of this order is exempted from this order:

(a) Maintenance and repair on any building, structure, or project.

(b) Small jobs of new construction or in connection with any such building, structure, or project including, but not limited to, alterations, additions, improvements, and modernization, where the cost of all such work shall not exceed:

(1) In the case of interior alterations, additions, improvements, or modernization of hotels, store space of department stores, office buildings, and loft buildings, 25 cents per square foot of occupied space for any consecutive 12-month period. (In computing this cost, both construction cost and all other expenses or charges incident to the work shall be taken into consideration.)

(2) In the case of any type of construction of all other buildings, structures, or projects specified in section 15 (list A), section 16 (list B), and section 17 (list C), $5,000 for any consecutive 12-month period. (In computing this cost, only construction cost shall be considered.)

(3) In addition, alterations, additions, improvement, or modernization may be made in the case of an industrial plant, factory, or facility, without authorization from the National Production Authority: *Provided,* That, after completion, the total use of steel in such alteration, addition, improvement, or modernization, both in the forms and shapes as defined in NPA Order M–1 and also reinforcing steel, will not exceed 25 tons.

(c) Reconstruction of any such building, structure, or project following a fire, flood, storm, disaster, act of God, or act of war, which occurred on or after July 29, 1950: *Provided, however,* That the reconstruction work will not require the use of more than a total quantity of 25 tons of steel, both in the forms and shapes as defined in NPA Order M–1 and also reinforcing steel.

(d) Construction by, or for the account of, the Department of Defense, the Atomic Energy Commission, or the National Advisory Committee for Aeronautics.

(e) Installation of personal property, fixtures or equipment where the total

cost incurred for installation in any consecutive 12-month period does not exceed $2,000.

(f) Construction of an industrial plant, facility, or factory for which a certificate of necessity has been issued pursuant to the provisions of the Revenue Act of 1950, or a loan made pursuant to section 302 of the Defense Production Act of 1950.

SEC. 6. *Authorization for certain construction.* (a) Any person desiring to erect a building, structure, or project to be used for, or in connection with, any of the purposes specified, as set forth in section 16 or section 17 of this order, may apply for a National Production Authority authorization to commence such construction. The application shall be made on NPA Form NPAF–24, copies of which are available at all field offices of the Department of Commerce, and should be addressed to the field office of the Department of Commerce in the region of the site of the proposed construction.

(b) Authorization under this section will be granted if the National Production Authority is satisfied that the desired construction conforms to the following requirements:

(1) It furthers the defense effort by providing facilities of the type specified in section 16 of this order in areas adjacent to military establishments or defense plants and projects, which construction the National Production Authority considers necessary to furnish or to supplement facilities in connection with the activities of the Defense Production Administration, the Department of Defense or the Atomic Energy Commission, including their programs for increasing production capacity; or

(2) It is essential to maintenance of public health, safety or welfare.

(c) Further, with respect to an application for authorization to construct a facility not directly related to the defense effort, the NPA will consider the type and quantity of materials on hand, and needed, for the facility, and the effect on the community at large if the authorization were denied.

SEC. 7. *Multiple use buildings, structures, or projects.* Where a building, structure, or project to be constructed is designed for a number of different uses and occupants, no portion thereof shall be constructed for use or occupancy in connection with any of the purposes specified in sections 15, 16, or 17 of this order where the construction cost apportionable to such use or occupancy will exceed the small job exemption provided for in section 5 (b) of this order.

SEC. 8. *Scope of this order.* This order shall apply to construction in the 48 States, the District of Columbia, and in the territories and insular possessions of the United States.

SEC. 9. *Prohibited deliveries.* No person shall accept an order for, sell, deliver, or cause to be delivered, material, equipment, or supplies which he knows, or has reason to believe, will be used in violation of the provisions of this order.

SEC. 10. *Defense against claims for damages.* No person shall be held liable for damages or penalties for any default under contract or order which shall result directly or indirectly from compliance with any regulation or order of the National Production Authority (including any direction, directive or other instruction), notwithstanding that any such regulation or order shall thereafter be declared by a judicial or other competent authority to be invalid.

SEC. 11. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that:

(a) Such provision works an unreasonable hardship upon him not suffered generally by others in the same trade, industry, or other relative position; or that enforcement of such provision against him would not be in the interest of the national defense. In determining whether unreasonable hardship exists, the National Production Authority will consider, among other things:

(1) The extent of the work done by the applicant incident to the proposed construction.

(2) Whether the building, structure, or project requires reconstruction as a result of a fire, flood, storm, disaster, act of God, or act of war.

(3) Whether a building, structure, or project of the applicant has been seized by legal action under eminent domain, or condemned by responsible governmental authorities; and the applicant requests permission to replace such facility.

(b) Each request shall be made on NPA Form NPAF–24, copies of which are available at all field offices of the Department of Commerce, and should be addressed to the field office of the Department of Commerce in the region of the site of the proposed construction.

SEC. 12. *Communications.* All communications concerning this order shall be addressed to the Field Offices of the Department of Commerce, Ref: NPA, M–4.

SEC. 13. *Reports.* Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act (5 U. S. C. 139–139F).

SEC. 14. *Violations.* Any person who wilfully violates any provisions of this order, or any other order or regulation of the National Production Authority, or who wilfully conceals a material fact, or furnishes false information in the course of operation under this order, is guilty of a crime, and upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against such person to suspend any authority to commence or complete construction or such other assistance as may be rendered pursuant to this order.

SEC. 15. *List A—Prohibited construction.*

Outdoor advertising sign.

All buildings, structures, or projects to be used for, or in connection with, any recreational, amusement, or entertainment purpose, whether public or private (unless authorized pursuant to section 6 of this order), including, but not limited to:

Amphitheater.
Amusement arcade.
Amusement device built into place on the site such as a roller coaster, merry-go-round, or similar device or kind. This shall not include demountable or portable equipment.
Amusement park.
Arena.
Assembly hall used primarily for recreation or amusement.
Athletic field house.
Band stand.
Bars and buildings or structures where the predominant business carried out therein or in connection therewith shall be the sale for consumption on the premises of alcoholic liquors.
Baseball park.
Bath house.
Billiard or pool parlor.
Bleachers and similar seating arrangements when they are built in place as a permanent part of the building, structure or project.
Boardwalk used primarily for recreation or amusement.
Boat or canoe club.
Bowling alley establishment.
Cabana.
Camp (except for public or social welfare).
Carnival.
Club building except for social welfare purposes.
Country club.
Dance hall.
Dance studio.
Dude ranch used primarily for recreation or amusement.
Exposition or exhibition building or structure for recreational, amusement or entertainment displays or purposes.
Flood lighting (including piers, poles, towers, framework or foundation with fixed equipment) in connection with any recreational, amusement, or entertainment purpose.
Gambling establishment.
Golf course.
Golf club.
Golf driving range.
Grandstand.
Gymnasium.
Lodge hall.
Music shell.
Night club.
Pier used primarily for recreation or amusement.
Race track, any kind.
Riding academy.
Rodeo.
Shooting gallery.
Skating rink.
Ski lodge.
Slot machine establishment.
Stadium.
Swimming pool.
Theater, any kind (including drive-in theater).
Yacht basin or marine railway primarily for the use of pleasure craft.

SEC. 16. *List B—Construction where NPA authorization is required.* Any building, structure or project to be used for, or in connection with, any of the following specified purposes:

Bank, credit institution, or brokerage establishment.
Community or neighborhood building.
Furnishing of personal services (e. g., barber shop, beauty shop, undertaking and mortuary establishment, cemetery building, mausoleum, crematory, garage, service station, shoe repair shop, laundry, dry cleaning establishment, tailor shop).
Hotel, motel, motor court, tourist camp, trailer camp.
Loft building.
Office building.

Printing or duplicating establishment including, but not limited to, facilities for the publication of newspapers, books, and periodicals.

Restaurant.

Storage, distribution, display or sale of consumer goods (for example, retail store, shopping center, wholesale establishment, gasoline filling station, drugstore, soda fountain, florist shop, greenhouse).

Storage warehouse for personal effects.

Tobacco auction warehouse.

SEC. 17. *List C—Additional construction where NPA authorization is required.*

Multiunit residential building in excess of three stories and basement.

Residential unit for single-family occupancy where the construction cost exceeds $35,000.

Building, structure, or project for radio broadcasting or television broadcasting.

Terminal warehouse.

Any and all other public or private buildings, structures, or projects of a type not listed above in this list C, and not listed in list A or in list B, of every kind (including but not limited to an industrial plant, facility or factory), which will require the use of more than a total quantity of 25 tons of steel, both in the forms and shapes as defined in NPA Order M-1 and also reinforcing steel.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order, as amended, shall take effect on May 11, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-5814; Filed, May 16, 1951; 3:04 p. m.]

[NPA Order M-13, as Amended May 17, 1951]

M-13—RAYON—LIMITATIONS FOR DO RATED ORDERS

This amendment to NPA Order M-13, as amended February 15, 1951, is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this amendment, there has been consultation with industry representatives, and consideration has been given to their recommendations.

This amendment affects NPA Order M-13 (as amended February 15, 1951) as follows:

In section 5 thereof the percentage figure "15" is hereby changed to "30."

(Sec. 704, Pub. Law 774, 81st Cong.)

This amendment shall take effect on May 17, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-5869; Filed, May 17, 1951; 11:31 a. m.]

[NPA Order M-63]

M-63—SOFTWOOD PLYWOOD

This order is found necessary and appropriate to promote the National Defense and is issued pursuant to the authority of section 101 of the Defense Production Act of 1950. In the formulation of this order there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

Sec.

AUTHORITY: Sections 1 to 11 issued under sec. 704, Pub Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* The purpose of this order is to set aside as a reserve for the needs of national defense specified percentages of the production of all softwood plywood manufacturers. It also provides for equitable distribution of rated orders among such manufacturers.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States Government or any other government.

(b) "Softwood plywood" means any plywood which has a rotary cut face of Douglas fir, cedar (Alaska, Port Orford, and Western red), California redwood, Western (Idaho) white pine, ponderosa pine, sugar pine, Sitka spruce, Western larch, Western hemlock, Noble fir, and the commercial white firs whether or not overlaid with paper, plastic, metal, or any other material except hardwood veneer.

(c) "Exterior type softwood plywood" means softwood plywood bonded with waterproof adhesives and suitable for permanent exterior use.

(d) "Interior type softwood plywood" means softwood plywood bonded with moisture-resistant adhesives and suitable for uses where subjected to occasional deposits of moisture, but not suitable for permanent exterior use.

(e) "Grades suitable for concrete form use" means interior type softwood plywood which is edge-treated and oiled or otherwise sealed.

(f) "Hutment grade" means interior type softwood plywood manufactured with protein glues to which shall be added 5 percent of toxic per 100 pounds dry weight glue base as specified in Mil P66a. Each panel shall be thoroughly treated with toxics, water-repellent, or sealer containing 5 percent toxics. Toxics shall meet accepted commercial specifications, such as pentachlorophenol or equivalent.

(g) "Facilities" means major equipment items, including but not limited to, presses, driers, and lathes, which increase or alter production capacity.

(h) "Production" means all softwood plywood produced for whatever purpose.

(i) "Base period" means the fourth calendar quarter of 1950 and the first calendar quarter of 1951.

SEC. 3. *Reserve production.* (a) Each manufacturer of softwood plywood, for the month of July 1951 and each calendar month thereafter (except as provided in the last sentence of this paragraph), shall set aside a reserve of production time and facilities and materials and supplies sufficient to produce and ship on DO rated orders within such month such proportions of his production as required by paragraph (b) of this section. Mills which operate during only a portion of any month due to industry vacation practice shall compute their reserve in proportion to the time operated during that month.

(b) For the month of July 1951 and each month thereafter, each manufacturer shall set aside as a reserve 20 percent of his average monthly production of softwood plywood, during the base period, and such quantity so set aside shall be his "reserve production." This reserve production, computed on a ⅜-inch rough footage basis, shall be set aside as follows:

(1) Each Douglas fir manufacturer who shall produce both exterior and interior types is required to produce at least 40 percent of his reserve production in exterior type; the balance of his reserve production may be in any grade or type.

(2) Each Douglas fir manufacturer who shall produce interior type only is required to produce at least 40 percent of his reserve production in grades suitable for concrete form use or hutment grade; the balance of his reserve production may be in any other grades.

(3) Each softwood plywood manufacturer, other than a Douglas fir manufacturer, shall produce his reserve production in any type or grade.

(c) The National Production Authority may from time to time by amendment of this order increase or decrease the quantity to be set aside as a reserve as required by paragraph (b) of this section.

(d) Any manufacturer of softwood plywood not in production during the base period shall apply for a reserve production quota in lieu of the reserve required by paragraphs (a) and (b) of this section, not later than June 1, 1951, or the 15th day of the month following his first full month of production. Application shall be made by letter, in triplicate, to the National Production Authority, Washington 25, D. C., Ref: M-63, stating plant capacity estimated on a 2-shift 5-day week, and the preceding month's softwood plywood production by types, exterior and interior. An interim reserve production quota will be assigned by NPA, which quota will be adjusted following the first 3 months of full production.

(e) A manufacturer who, through the installation of additional facilities, increases his production shall at once adjust his reserve production quota to include such increased production and, not later than 10 days following the first 3 months of increased production, shall report such increased production. Report shall be made by letter, in triplicate, to the National Production Authority, Washington 25, D. C., Ref: M–63, and NPA will assign an adjusted reserve production quota.

SEC. 4. *Acceptance of rated orders.* (a) A manufacturer, notwithstanding any previous contracts or agreements, shall not be required to accept DO rated orders for softwood plywood for shipment in any month in a quantity in excess of his reserve production for that month.

(b) A manufacturer shall not be required to accept a DO rated order which is received less than 30 days prior to the 1st day of the month in which shipment is requested, unless specifically directed by NPA.

(c) The provisions of NPA Reg. 2, as amended, relating to priorities are superseded to the extent they are inconsistent with this order.

SEC. 5. *Release of reserve production.* If, 30 days prior to the 1st day of the month of scheduled production, a manufacturer has not received rated orders which exhaust his reserve production for that month, he may schedule his production for which no rated orders have been received in any manner except as prohibited by section 6 of this order.

SEC. 6. *Restriction on exchanges.* (a) Except with the written approval of NPA, no person shall sell, transfer, trade, or ship, or contract to sell, transfer, trade, or ship any softwood plywood as a consideration, whether actual or implied, for the receipt of logs. Application for such approval may be made by the person delivering or owning the logs, or the person delivering or owning the softwood plywood.

(b) Persons requesting approval of such exchanges shall file with NPA a letter setting forth: the names and addresses of the parties to any existing or proposed exchange agreement; the kind, grade, and form of the softwood plywood and logs involved; the footage of the logs and the footage of the resulting softwood plywood involved; the rate and the dates of delivery of such material; the length of time such agreement or other similar agreement between the same parties has been in force, if there has been such an agreement; the duration of the agreement; the purpose for which the softwood plywood is to be used; and such other information as may seem pertinent and necessary.

SEC. 7. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In considering requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 8. *Communications.* All communications concerning this order shall be addressed to National Production Authority, Washington 25, D. C., Ref: M–63.

SEC. 9. *Monthly report.* Each manufacturer of softwood plywood shall report on or before the 21st day of May 1951, and on or before the 10th day of each succeeding month, on NPA–Census Joint Survey Form M–13B Revised.

SEC. 10. *Records, audit, inspection, and reports.* (a) Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

(c) Persons subject to this order shall make such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 11. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of the National Production Authority or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order shall take effect on May 16, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51–5815; Filed, May 16, 1951; 8:04 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

Subchapter C—Aids to Navigation

[CGFR 51–14]

PART 74—COSTS AND CHARGES

TABLE OF CHARGES

The purpose of the following amendment to the regulations is to revise the schedules of rates on charges for the employment of vessels and materials used to construct, repair and maintain aids to navigation necessitated by loss or damage, and to mark wrecks in the navigable waters of the United States.

The schedules of rates for costs and charges covering the employment of vessels and materials used were estimated and established in 1948. Due to numerous changes in costs of materials and upon further analysis of the pay of Coast Guard personnel the rates and charges as published in 1948 do not now reflect a fair and equitable basis to support charges for such work, and for settling claims arising from the performance of that work when performed by Coast Guard vessels and personnel. Since the Coast Guard performs this work as an incident to the performance of other statutory duties, it is administratively impossible to determine with definite exactness the costs to repair or replace each particular aid to navigation damaged or destroyed.

The statutory requirement in section 642, Title 14, contemplates collection of the cost of replacement of damaged or destroyed aids to navigation in a manner that would not be a greater expense to the Government than would be applicable to other property of the Government damaged by tortious acts. Since the functions of the Coast Guard are more than just the establishment, maintenance and repair of aids to navigation, it is not possible to compare these schedules with those in private industry performing such work. The schedules of rates for costs and charges are estimates based on the average costs and charges taken from available Coast Guard records. In recalculating these schedules of rates and costs, some rates and costs have slightly increased while others have decreased an appreciable amount. Because of the urgency of fairly and equitably settling current claims arising in the performance of such work, as well as anticipated claims arising during the summer because of the increase in number of vessels navigating the navigable waters of the United States, and in view of other considerations given above, it is hereby found that compliance with the notice of proposed rule making, the public rule making procedure thereon, and effective date requirements of the Administrative Procedure Act is impracticable and contrary to the public interest.

By virtue of the authority contained in Title 14, United States Code, sections 633 and 642, the following amendment to the regulations is hereby prescribed and shall become effective upon publication in the FEDERAL REGISTER.

Section 74.01–1 is amended to read as follows.

§ 74.01–1 *Table of charges.* Charges for the performance of aids to navigation work by the Coast Guard, when authorized, shall be in accordance with the following tables:

TABLE A—CHARGES FOR BUOYS, ETC.

Type of marking (buoy includes mooring and sinker)	Preparation for establishment	Depreciation and routine maintenance charge per month or major fraction thereof
1. Lighted buoy for exposed station, with or without sound	$176.00	$50.25
2. Bell, gong or whistle buoys, unlighted	65.00	14.57
3. Lighted buoy for sheltered station with or without sound	49.00	17.78
4. Can or nun buoys (except river type)	29.00	5.26
5. Wooden spar buoy, any class	8.00	1.65
6. River type buoy	3.31	2.27
7. Lighting apparatus (only)	20.00	12.52

TABLE B—CHARGES FOR VESSELS, ETC.

Type of vessel	Maintenance charge per hour	Operating personnel charge per hour
1. Cutters 150 feet and longer	$21.68	$17.41
2. Cutters less than 150 feet and over 100 feet long	8.07	6.44
3. Cutters 100 feet long or less	7.02	5.16
4. Buoy boats	1.27	1.93

(63 Stat. 545; 14 U. S. C. 633. Interprets or applies sec. 63 Stat. 547; 14 U. S. C. 642)

Dated: May 11, 1951.

[SEAL] E. H. FOLEY,
Acting Secretary of the Treasury.

[F. R. Doc. 51–5791; Filed, May 17, 1951; 8:49 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 20—SPECIAL REGULATIONS

SEQUOIA-KINGS CANYON NATIONAL PARKS

Subparagraphs (4) and (5) of paragraph (e), entitled *Fishing*, of § 20.8, entitled *Sequoia-Kings Canyon National Parks*, are amended to read as follows:

(4) In Sequoia National Park the following waters are closed to fishing as a fish conservation measure, and as protection to domestic water supplies, watersheds, and meadows:

(i) On the watershed of the North Fork of the Kaweah River: Yucca Creek from junction of the North Fork to source, from July 1 to close of season; Cabin Creek from Generals Highway to source.

(ii) On the watershed of the Marble Fork of the Kaweah River: Deer Creek from the foot bridge on the Sunset-Village Trail to source, except to children 10 years of age or younger; that section of Wolverton Creek from point where water supply signs are posted to source; and Silliman Creek from Generals Highway to source at outlet of Silliman Lakes.

(iii) On the watershed of the Middle Fork of the Kaweah River: Crescent Creek from source to High Sierra Trail Bridge at lower Crescent Meadow.

(5) In Kings Canyon National Park the following waters are closed to fishing as a conservation measure, and as protection to domestic water supplies, watersheds, and meadows:

(i) On the watershed of the South Fork of the Kings River: Sheep Creek and its tributaries from source to park boundary; Lewis Creek from park boundary where signs are posted at the intake of the water supply to the first trail crossing; and Comb Creek from Lewis Creek to source.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

Issued this 11th day of May 1951.

OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 51–5758; Filed, May 17, 1951; 8:45 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

BURIAL EXPENSES OF DECEASED PERSONS WHO SERVED IN MILITARY FORCES OF COMMONWEALTH OF THE PHILIPPINES INCLUDING CERTAIN GUERRILLA FORCES

A new § 4.452 is added to read as follows:

§ 4.452 *Burial expenses of deceased persons who served in the military forces of the Commonwealth of the Philippines including certain guerrilla forces*—(a) *Provisions of the act.* Public Law 21, 82d Congress, dated April 25, 1951, provides:

That the Administrator of Veterans' Affairs is authorized to furnish a flag to drape the casket and to pay a sum not exceeding 150 Philippine pesos for the burial and funeral expenses and transportation of the body (including preparation of the body) of any person who served in the organized military forces of the Commonwealth of the Philippines while such forces were in the service of the Armed Forces of the United States pursuant to the military order of the President of the United States, dated July 26, 1941, including among such military forces organized guerrilla forces under commanders appointed, designated, or subsequently recognized by the Commander in Chief, Southwest Pacific Area, or other competent authority in the Army of the United States, and who dies, or has died, after separation from such service under conditions other than dishonorable. Payments under this Act shall be subject to the applicable provisions of Veterans Regulation Numbered 9 (a), as amended, except that in case any such person has died heretofore, the time for filing claim for reimbursement of such expenses shall be extended until two years after the date of this enactment.

(b) *Basic eligibility requirements.* The act applies to the payment of burial allowance for any person who served in the organized military forces of the Commonwealth of the Philippines while such forces were in the service of the Armed Forces of the United States pursuant to the military order of the President of the United States, dated July 26, 1941, including among such military forces organized guerrilla forces under commanders appointed, designated, or subsequently recognized by the Commander in Chief, Southwest Pacific Area, or other competent authority in the Army of the United States, and who dies or has died after separation from such service under conditions other than dishonorable. The service of a person in the Commonwealth Army or in the organized guerrilla forces which meets the definition of service required for entitlement to death compensation will also meet the service requirements of this act, but the death of such person must have occurred after separation from service under conditions other than dishonorable. Separation from service will be deemed to have occurred on the date of release from active duty, discharge or June 30, 1946, whichever is the earlier. Release from active duty will be in accord with the principles enumerated in Administrator's Decision 746 and the definitions outlined in Veterans' Administration claims procedures. Service of a Philippine Scout enlisted under section 14, Public Law 190, 79th Congress, is not service in the military forces of the Commonwealth of the Philippines and consequently does not confer title under this act.

(c) *Death prior to date of act.* In those instances where death occurred prior to the date of the act the time limit for the filing of a claim is extended through April 25, 1953. Where a claim was filed and disallowed prior to the date of the act, such claim may be reconsidered under the act and this section, upon receipt on or before April 25, 1953, of written request therefor from the claimant or his representative.

(d) *Amount payable.* There shall be paid a sum not exceeding 150 Philippine pesos for the burial and funeral expenses and transportation of the body (including preparation of the body) of any person coming within the purview of paragraph (b) of this section, where the other conditions of title are met. Paragraph III of Veterans Regulation 9 (a), as amended, and § 4.196 (relating to deaths occurring while traveling under prior authorization or while properly hospitalized by the Veterans Administration) are not for application; consequently, no expenses in excess of 150 Philippine pesos may be paid in any one case.

(e) *Other applicable directives.* The provisions of Veterans Regulation 9 (a), as amended, and the Veterans Administration Regulations and procedural issues pertaining thereto, which are not inconsistent with this section, are for application. (Instruction No. 1, Pub. Law 21, 82d Cong.)

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. and Sup. 11a, 426, 707)

This regulation effective May 18, 1951.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 51–5762; Filed, May 17, 1951; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[P. & S. Docket No. 1532]

MARKET AGENCIES AT MISSISSIPPI VALLEY STOCK YARDS

NOTICE OF PETITION FOR MODIFICATION OF RATE ORDER

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), an order was issued on May 15, 1950 (9 A. D. 582), continuing in effect the provisions of the previous temporary orders which authorized the rates currently in effect.

On May 8, 1951, respondents filed a petition requesting that their current authorization be modified so as to authorize the filing of a new Tariff No. 7 attached to and made a part of the petition. The rates provided for by the proposed Tariff No. 7 are as follows:

SECTION B

SELLING COMMISSIONS

	Per head
Cattle:	
Consignments of 1 head and 1 head only	$1.25
Consignments of more than 1 head:	
First 15 head in each consignment	1.00
Each head over 15 in each consignment	.90
Calves:	
Consignments of 1 head and 1 head only	.65
Consignments of more than 1 head:	
First 5 head in each consignment	.55
Each head over 5 in each consignment	.45
Bulls, 800 pounds and over	1.50
T. B. Bangs, subjects or condemners	1.25
Hogs:	
Consignments of 1 head and 1 head only	.55
Consignments of more than 1 head:	
First 10 head in each consignment	.35
Next 15 head in each consignment	.30
Each head over 25 in each consignment	.25
Sheep and Goats:	
Consignments of 1 head and 1 head only	.50
Consignments of more than 1 head:	
First 10 head in each consignment	.34
Next 50 head in each consignment	.23
Next 50 head in each consignment	.12
Each head over 110 in each consignment	.07

The maximum charge on any one rail consignment shall not exceed an amount equal to $15.00 multiplied by the number of single deck cars in the consignment plus an amount equal to $21.00 multiplied by the number of double deck cars in one consignment.

SECTION C

RESALES

	Per head
Cattle:	
1 head and 1 head only	$1.10
More than 1 head	.85
Bulls: 800 pounds and over	1.15

SECTION C—Contnued

RESALES—continued

	Per head
Calves:	
1 head and 1 head only	$0.55
More than 1 head	.50
Hogs:	
1 head and 1 head only	.55
More than 1 head	.35
Sheep:	
1 head and 1 head only	.50
More than 1 head	.25

BUYING COMMISSIONS

	Per head
Cattle:	
Consignments of 1 head and 1 head only	$1.25
Consignments of more than 1 head:	
First 15 head in each consignment	1.00
Each head over 15 in each consignment	.90
Maximum: [1]	
Rail: $20 per car.	
Trucked-out or driven-out: $20 for each 24,000 pounds or fraction thereof.	
Calves:	
Consignments of 1 head and 1 head only	$0.65
Consignment of more than 1 head:	
First 5 head in each consignment	.55
Each head over 5 in each consignment	.45
Maximum: [1]	
Rail: $15 single deck, $25 double deck.	
Truck-out or driven-out: $15 for each 17,000 pounds or fraction thereof.	
Bulls, 800 pounds and over	$1.50
Maximum rates do not apply to bulls.	
Hogs:	
Consignment of 1 head and 1 head only	$0.55
Consignments of more than 1 head:	
First 10 head in each consignment	.35
Next 15 head in each consignment	.30
Each head over 25 in each consignment	.25
Maximum: [1]	
Rail: $15 single deck, $20 double deck.	
Trucked-out or driven-out: $15 for each 17,000 pounds or fraction thereof.	
Sheep and goats:	
Consignments of 1 head and 1 head only	$0.50
Consignments of more than 1 head:	
First 10 head in each consignment	.34
Next 50 head in each consignment	.23
Next 50 head in each consignment	.12
Each head over 110 in each consignment	.07
Maximum: [1]	
Rail: $15 single deck, $21 double deck.	
Trucked-out or driven-out: $15 for each 12,000 pounds or fraction thereof.	

[1] The maximum charge shall not exceed the per head rate.

All purchases paid for by a commission merchant, or by his shipping clearance, whether made by or for a speculator, feeder-farmer or other person than a resident yard trader, shall be deemed a purchase and charged for at above rates. Purchaser to pay for all exchange rates and wires incident to credit arrangement.

SECTION E

EXTRA SERVICE CHARGES

The following extra service charges are applicable to each consignment (selling only)—Each weight draft after one: 10 cents.

If authorized, the modifications will produce additional revenues for the respondents and increase the cost of marketing to the shippers. Accordingly, it appears that this public notice should be given of the filing of the petition and its contents in order that all interested persons may have an opportunity to be heard in the matter.

All interested persons who desire to be heard upon the matter requested in said petition shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days from the date of publication of this notice.

Done at Washington, D. C., this 14th day of May 1951.

[SEAL] KATHERINE L. MASON,
Hearing Clerk.

[F. R. Doc. 51-5792; Filed, May 17, 1951; 8:49 a. m.]

[7 CFR, Part 55]

FORM OF APPLICATION AND CONTRACT OF AGREEMENT FOR GRADING SERVICE WITH RESPECT TO SHELL EGGS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Administration is considering the approval of a form of application for grading service on a written agreement basis, as hereinafter indicated. Whenever any person desires grading service to be rendered by the Administration at any plant for class, quality, quantity, or condition of egg products, pursuant to the applicable regulations (7 CFR Part 55) of the Department, he may apply for such service by submitting to the Administrator, a properly completed application, in triplicate, in the form herein set forth. Upon approval of the application by the Administrator, it will become the agreement providing for grading service at such plant. This application form specifies the condition under which service will be performed (including the extent of the financial obligations to be assumed by the applicant) in accordance with the aforesaid regulations. Such regulations are currently operative pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1951 (Pub. Law 759, 81st Cong., approved Sept. 6, 1950). The fee and charges for the grading service are so calculated as to be reasonable, as nearly as may be to cover the cost of the service rendered, and to provide the revenue necessary for the conduct of the service on an equitable basis.

All persons who desire to submit written data, views, or arguments for con-

sideration in connection with the proposed application should file same in duplicate with the Chief, Dairy and Poultry Inspection and Grading Division, Room 2738 South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 30th day after the publication of this notice in the FEDERAL REGISTER.

The proposed application is as follows:

APPLICATION FOR GRADING SERVICE WITH RESPECT TO SHELL EGGS

Application is hereby made, in accordance with the applicable provisions of the regulations (7 CFR Part 55) governing the sampling, grading, grade labeling, and supervision of packaging of butter, cheese, and eggs, for grading service to be performed at the plant hereinafter designated:

Name of plant _____
Street address _____
City and State _____

(a) Upon approval of this application by the Production and Marketing Administration, United States Department of Agriculture (hereinafter referred to as "PMA"), PMA will furnish grading service in accordance with the terms and conditions hereof.

(b) In making this application, the applicant agrees to comply with the terms and conditions of the aforesaid regulations (including such applicable instructions as may be issued from time to time by the Administrator), and such other conditions as hereinafter enumerated.

(c) The applicant agrees to pay for the full cost of the grading service covered hereby to PMA at the time the respective invoices are rendered by PMA. The full costs shall comprise such of the following items as may be due and may be included, from time to time, in the invoice or invoices covering the period or periods during which the grading service may be rendered:

(i) A charge for each plant survey to be computed on the basis (*a*) of the actual cost to the Administration of the travel and per diem incurred in the making of the survey, and (*b*) a charge of $3.00 per hour for the time consumed in making the survey;

(ii) An inauguration charge of $50.00 to cover costs incurred by PMA in connection with the inauguration of the grading service and assignment of a grader to the designated plant;

(iii) A charge of $25.00 for each additional grader or replacement of a previously assigned grader to the designated plant: *Provided*, That, no charge under this subdivision (iii) is to be made for temporary relief graders for regular graders or for the replacement of a grader who is a Federal employee when the replacement is made by PMA other than at the request of the applicant;

(iv) A charge equal to the salary costs paid to each grader assigned to applicant's plant by PMA, including earned annual leave and, if necessary, earned sick leave: *Provided*, That, no charge is to be made for salary costs for any assigned grader of the designated plant while temporarily reassigned by PMA to perform a grading service for other than the applicant;

(v) A charge equal to the salary costs, travel expenses and per diem paid by PMA to any grader whose services are required for relief purposes when regular graders are on annual or sick leave;

(vi) A charge for the actual cost to PMA of any travel and per diem incurred by each grader assigned to the plant while in the performance of grading service rendered the applicant;

(vii) A charge, at the sole discretion of PMA, of an amount not in excess of the actual cost to PMA of the travel (including the cost of movement of household goods and dependents) and per diem with respect to each grader who is transferred from an official station to the designated plant;

(viii) A charge included in salary costs equal to the Employer's tax imposed under the United States Internal Revenue Code (26 U. S. C.) for Old Age and Survivor's benefits under the Social Security System; and

(ix) An administrative service charge based upon the aggregate number of thirty-dozen cases of shell eggs handled in the plant per month, and computed in accordance with the following table:

Computation of administrative service charge:	
0 to 750 cases	$25.00
750 to 1,250 cases	27.50
1,250 to 1,750 cases	30.00
1,750 to 2,250 cases	32.50
2,250 to 2,750 cases	35.00
2,750 to 3,250 cases	37.50
3,250 to 3,750 cases	40.00
3,750 to 4,250 cases	42.50
4,250 to 5,000 cases	45.00
5,000 to 6,000 cases	47.50
6,000 or more cases	50.00

(d) The applicant shall designate, in writing, the employees of the applicant who will be required and authorized, to furnish each grader with such information as may be necessary for the performance of the grading service.

It is agreed that:

(a) PMA will provide an adequate number of graders to perform the grading service covered hereby;

(b) At the sole discretion of PMA the graders may be either a Federal or State employee or a licensed employee of the applicant;

(c) PMA shall not be responsible for damages accruing through any acts of commission or omission on the part of any grader;

(d) The provisions hereof shall continue in full force and effect from its effective date until suspended, withdrawn, or terminated, by (i) mutual consent of the applicant and PMA; (ii) written notice given by either party to the other to take effect on a specific date not less than 30 days from the date of the giving of such notice; (iii) one (1) day's written notice by PMA to the applicant, if the applicant fails to honor any invoice within thirty (30) days after date of invoice covering the cost of the grading service as herein provided; or (iv) termination of the services requested herein pursuant to the provisions in the following paragraph (e);

(e) The services to be rendered hereunder shall be terminated by PMA at any time PMA, acting pursuant to any applicable laws, rules, or regulations, debars the applicant from receiving any further benefits of the service, or the services hereunder may be suspended or terminated at any time PMA concludes that the applicant has not conformed, or cannot conform, hereto;

(f) All terms used herein shall have the same meaning as when used in the aforesaid regulations and instructions;

(g) A federally employed grader will be required to confine his activties to those duties necessary in the rendering of grading service and such closely related activities as may be approved by PMA: *Provided*, That, in no instance will the federally employed grader assume the duties of management;

(h) No member of or Delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of this agreement or to any benefit that may arise therefrom unless derived through the agreement made with a corporation for its general benefit.

_____
(Applicant)
By _____
_____
(Street)
_____
(City) (State)
_____
(Date)

Approved:
By _____
_____
(Title)
_____
(Date)

Production and Marketing Administration, U. S. Department of Agriculture.

NOTE: Unless otherwise indicated herein the bills will be rendered to the applicant at the address indicated above.

Issued at Washington, D. C. this 15th day of May 1951.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-5795; Filed, May 17, 1951; 8:50 a. m.]

[7 CFR, Part 55]

FORM OF APPLICATION AND CONTRACT OF AGREEMENT FOR GRADING SERVICE WITH RESPECT TO EGG PRODUCTS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Administration is considering the approval of a form of application for grading service on a written agreement basis, as hereinafter indicated. Whenever any person desires grading service to be rendered by the Administration at any plant for class, quality, quantity, or condition of egg products, pursuant to the applicable regulations (7 CFR Part 55) of the Department, he may apply for such service by submitting to the Administrator, a properly completed application, in triplicate, in the form herein set forth. Upon approval of the application by the Administrator, it will become the agreement providing for grading service at such plant. This application form specifies the condition under which service will be performed (including the extent of the financial obligations to be assumed by the applicant) in accordance with the aforesaid regulations. Such regulations are currently operative pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et. seq.) and the Department of Agriculture Appropriation Act, 1951 (Pub. Law 759, 81st Cong., approved Sept. 6, 1950). The fee and charges for the grading service are so calculated as to be reasonable, as nearly as may be to cover the cost of the service rendered, and to provide the revenue necessary for the conduct of the service on an equitable basis.

All persons who desire to submit written data, views, or arguments for consideration in connection with the

proposed application should file same in duplicate with the Chief, Dairy and Poultry Inspection and Grading Division, Room 2738 South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 30th day after the publication of this notice in the FEDERAL REGISTER.

The proposed application is as follows:

APPLICATION FOR GRADING SERVICE WITH RESPECT TO EGG PRODUCTS

Application is hereby made, in accordance with the applicable provisions of the regulations (7 CFR Part 55) governing the sampling, grading, grade labeling, and supervision of packaging of butter, cheese, and eggs, for grading service to be performed at the plant hereinafter designated:

Name of plant _____
Street address _____
City and State _____

(a) Upon approval of this application by the Production and Marketing Administration, United States Department of Agriculture (hereinafter referred to as "PMA"), PMA will furnish grading service in accordance with the terms and conditions hereof.

(b) In making this application, the applicant agrees to comply with the terms and conditions of the aforesaid regulations (including such applicable instructions as may be issued from time to time by the Administrator), and such other conditions as hereinafter enumerated.

(c) The applicant agrees to pay for the full cost of the grading service covered hereby to PMA at the time the respective invoices are rendered by PMA. The full costs shall comprise such of the following items as may be due and may be included, from time to time, in the invoice or invoices covering the period or periods during which the grading service may be rendered:

(i) A charge for each survey to be computed on the basis (*a*) of the actual cost to the Administration of the travel and per diem incurred in the making of the survey, and (*b*) a charge of $3.00 per hour for the time consumed in making the survey;

(ii) An inauguration charge of $50.00 to cover costs incurred by PMA in connection with the inauguration of the grading service and assignment of a grader to the designated plant;

(iii) A charge of $25.00 for each additional grader or replacement of a previously assigned grader to the designated plant: *Provided,* That no charge under this subdivision (iii) is to be made for temporary relief graders for regular graders or for the replacement of a grader who is a Federal employee when the replacement is made by PMA other than at the request of the applicant;

(iv) A charge equal to the salary costs paid to each grader assigned to applicant's plant by PMA, including earned annual leave and, if necessary, earned sick leave: *Provided,* That, no charge is to be made for salary costs for any assigned grader of the designated plant while temporarily reassigned by PMA to perform a grading service for other than the applicant;

(v) A charge equal to the salary costs, travel expenses and per diem paid by PMA to any grader whose services are required for relief purposes when regular graders are on annual or sick leave;

(vi) A charge for the actual cost to PMA of any travel and per diem incurred by each grader assigned to the plant while in the performance of grading service rendered the applicant;

(vii) A charge, at the sole discretion of PMA, of an amount not in excess of the actual cost to PMA of the travel (including the cost of movement of household goods and dependents) and per diem with respect to each grader who is transferred from an official station to the designated plant;

(viii) A charge included in salary costs equal to the Employer's tax imposed under the United States Internal Revenue Code (26 U. S. C.) for Old Age and Survivor's benefits under the Social Security System; and

(ix) An administrative service charge based upon the aggregate weight of the total monthly volume (based on the weight of liquid egg and weight of dried egg converted to liquid egg) of all egg products handled in the plant, and computed in accordance with the following table:

Computation of administrative service charges:	
Less than 20,000 pounds	$25.00
20,000 to 100,000 pounds	30.00
100,000 to 150,000 pounds	35.00
150,000 to 200,000 pounds	40.00
200,000 to 300,000 pounds	45.00
300,000 to 400,000 pounds	50.00
400,000 to 600,000 pounds	55.00
600,000 to 800,000 pounds	60.00
800,000 to 1,000,000 pounds	65.00
1,000,000 to 1,500,000 pounds	70.00
1,500,000 pounds or more	75.00

(d) The applicant shall designate, in writing, the employees of the applicant who will be required and authorized, to furnish each grader with such information as may be necessary for the performance of the grading service.

It is agreed that:

(a) PMA will provide an adequate number of graders to perform the grading service covered hereby;

(b) At the sole discretion of PMA the graders may be either a Federal or State employee or a licensed employee of the applicant;

(c) PMA shall not be responsible for damages accruing through any acts of commission or omission on the part of any grader;

(d) The provisions hereof shall continue in full force and effect from its effective date until suspended, withdrawn, or terminated, by (i) mutual consent of the applicant and PMA; (ii) written notice given by either party to the other to take effect on a specific date not less than 30 days from the date of the giving of such notice; (iii) one (1) day's written notice by PMA to the applicant, if the applicant fails to honor any invoice within thirty (30) days after date of invoice covering the cost of the grading service as herein provided; or (iv) termination of the services requested herein pursuant to the provisions in the following paragraph (e);

(e) The services to be rendered hereunder shall be terminated by PMA at any time PMA, acting pursuant to any applicable laws, rules, or regulations, debars the applicant from receiving any further benefits of the service, or the services hereunder may be suspended or terminated at any time PMA concludes that the applicant has not conformed, or cannot conform, hereto;

(f) All terms used herein shall have the same meaning as when used in the aforesaid regulations and instructions;

(g) A federally employed grader will be required to confine his activities to those duties necessary in the rendering of grading service and such closely related activities as may be approved by PMA: *Provided,* That, in no instance will the federally employed grader assume the duties of management;

(h) No member of or Delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of this agreement or to any benefits that may arise therefrom unless derived through the agreement made with a corporation for its general benefit.

_____
(Applicant)
By _____
_____
(Street)
_____
(City) (State)
_____
(Date)

Approved:
By _____
_____
(Title)
_____
(Date)

Production and Marketing Administration, U. S. Department of Agriculture.

NOTE: Unless otherwise indicated herein the bills will be rendered to the applicant at the address indicated above.

Issued at Washington, D. C. this 15th day of May 1951.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-5796; Filed, May 17, 1951; 8:50 a. m.]

[7 CFR, Part 70]

FORM OF APPLICATION AND CONTRACT OF AGREEMENT FOR GRADING SERVICE WITH RESPECT TO LIVE POULTRY, DRESSED POULTRY AND READY-TO-COOK POULTRY

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Administration is considering the approval of a form of application for grading service on a written agreement basis, as hereinafter indicated. Whenever any person desires grading service to be rendered by the Administration at any plant for class, quality, quantity, or condition of live poultry, dressed poultry, and ready-to-cook poultry, pursuant to the applicable regulations (7 CFR, Part 70) of the Department, he may apply for such service by submitting to the Administrator, a properly completed application, in triplicate, in the form herein set forth. Upon approval of the application by the Administrator, it will become the agreement providing for grading service at such plant. This application form specifies the condition under which service will be performed (including the extent of the financial obligations to be assumed by the applicant) in accordance with the aforesaid regulations. Such regulations are currently operative pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1951 (Pub. Law 759, 81st Cong., approved Sept. 6, 1950). The fee and charges for the grading service are so calculated as to be reasonable, as nearly as may be to cover the cost of the service rendered, and to provide the revenue necessary for the conduct of the service on an equitable basis.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed application should file same in duplicate with the Chief, Dairy and Poultry Inspection and Grading Division, Room 2738 South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 30th day after the publication of this notice in the FEDERAL REGISTER.

The proposed application is as follows:

APPLICATION FOR GRADING SERVICE WITH RESPECT TO LIVE POULTRY, DRESSED POULTRY, AND READY-TO-COOK POULTRY

Application is hereby made, in accordance with the applicable provisions of the regulations (7 CFR Part 70) governing the grading and inspection of poultry and edible products thereof and United States specifications for classes, standards, and grades with respect thereto, for grading service to be performed at the plant hereinafter designated:

Name of plant _____
Street address _____
City and State _____

(a) Upon approval of this application by the Production and Marketing Administration, United States Department of Agriculture (hereinafter referred to as "PMA") PMA will furnish grading service in accordance with the terms and conditions hereof.

(b) In making this application, the applicant agrees to comply with the terms and conditions of the aforesaid regulations (including such applicable instructions as may be issued from time to time by the Administrator), and such other conditions as hereinafter enumerated.

(c) The applicant agrees to pay for the full cost of the grading service covered hereby to PMA at the time the respective invoices are rendered by PMA. The full costs shall comprise such of the following items as may be due and may be included, from time to time, in the invoice or invoices covering the period or periods during which the grading service may be rendered:

(i) A charge of $75.00 for the initial survey (required to be made with respect to an official plant pursuant to the aforesaid regulations) of the designated plant and its premises (but no charge for the final survey) prior to the performance, by the Administration, of the grading service covered hereby: *Provided*, That, if at the time of submission of this application for poultry grading service such designated plant is an official plant in which inspection service is performed by the Administration and poultry grading service has not been performed by the Administration in such plant during the twelve-month period ending on the date of this application, the charge for the survey shall be computed in the manner specified in subparagraph (ii) of this paragraph;

(ii) A charge for each additional survey to be computed on the basis (*a*) of the actual cost to the Administration of the travel and per diem incurred in the making of the survey, and (*b*) a charge of $3.00 per hour for the time consumed in making the survey;

(iii) An inauguration charge of $50.00 to cover costs incurred by PMA in connection with the inauguration of the grading service and assignment of a grader to the designated plant;

(iv) A charge of $25.00 for each additional grader or replacement of a previously assigned grader to the designated plant: *Provided*, That, no charge under this subdivision (iv) is to be made for temporary relief graders for regular graders or for the replacement of a grader who is a Federal employee when the replacement is made by PMA other than at the request of the applicant;

(v) A charge equal to the salary costs paid to each grader assigned to applicant's plant by PMA, including earned annual leave and, if necessary, earned sick leave: *Provided*, That, no charge is to be made for salary costs for any assigned grader of the designated plant while temporarily reassigned by PMA to perform a grading service for other than the applicant;

(vi) A charge equal to the salary costs, travel expenses and per diem paid by PMA to any grader whose services are required for relief purposes when regular graders are on annual or sick leave;

(vii) A charge for the actual cost to PMA of any travel and per diem incurred by each grader assigned to the plant while in the performance of grading service rendered the applicant;

(viii) A charge, at the sole discretion of PMA, of an amount not in excess of the actual cost to PMA of the travel (including the cost of movement of household goods and dependents) and per diem with respect to each grader who is transferred from an official station to the designated plant;

(ix) A charge included in salary costs equal to the Employer's tax imposed under the United States Internal Revenue Code (26 U. S. C.) for Old Age and Survivor's benefits under the Social Security System; and

(x) An administrative service charge based upon the aggregate weight of the total monthly volume of all products handled in the plant, and computed in accordance with the following table:

Computation of administrative service charges:	
Less than 20,000 pounds	$25.00
20,000 to 100,000 pounds	30.00
100,000 to 150,000 pounds	35.00
150,000 to 200,000 pounds	40.00
200,000 to 250,000 pounds	45.00
250,000 to 300,000 pounds	50.00
300,000 to 400,000 pounds	55.00
400,000 to 500,000 pounds	60.00
500,000 to 600,000 pounds	65.00
600,000 to 700,000 pounds	70.00
700,000 pounds or more	75.00

(d) The applicant shall designate, in writing, the employees of the applicant who will be required and authorized to furnish each grader with such information as may be necessary for the performance of the grading service.

It is agreed that:

(a) PMA will provide an adequate number of graders to perform the grading service covered hereby;

(b) At the sole discretion of PMA the graders may be either a Federal or State employee or a licensed employee of the applicant;

(c) PMA shall not be responsible for damages accruing through any acts of commission or omission on the part of any grader;

(d) The provisions hereof shall continue in full force and effect from its effective date until suspended, withdrawn, or terminated, by (i) mutual consent of the applicant and PMA; (ii) written notice given by either party to the other to take effect on a specific date not less than 30 days from the date of the giving of such notice; (iii) one (1) day's written notice by PMA to the applicant, if the applicant fails to honor any invoice within thirty (30) days after date of invoice covering the cost of the grading service as herein provided; or (iv) termination of the services requested herein pursuant to the provisions in the following paragraph (e);

(e) The services to be rendered hereunder shall be terminated by PMA at any time PMA, acting pursuant to any applicable laws, rules, or regulations, debars the applicant from receiving any further benefits of the service, or the services hereunder may be suspended or terminated at any time PMA concludes that the applicant has not conformed, or cannot conform, hereto;

(f) All terms used herein shall have the same meaning as when used in the aforesaid regulations and instructions;

(g) A federally employed grader will be required to confine his activities to those duties necessary in the rendering of grading service and such closely related activities as may be approved by PMA: *Provided*, That, in no instance will the federally employed grader assume the duties of management;

(h) No member of or Delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of this agreement or to any benefit that may arise therefrom unless derived through the agreement made with a corporation for its general benefit.

_____
(Applicant)
By _____
_____
(Street)
_____
(City) (State)
_____
(Date)

Approved:
By _____
_____
(Title)
_____
(Date)

Production and Marketing Administration, U. S. Department of Agriculture.

Note: Unless otherwise indicated herein the bills will be rendered to the applicant at the address indicated above.

Issued at Washington, D. C., this 15th day of May 1951.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-5797; Filed, May 17, 1951; 8:50 a. m.]

[7 CFR, Part 907]

[Docket No. AO 212-A3]

HANDLING OF MILK IN THE MILWAUKEE, WIS., MARKETING AREA

PROPOSED AMENDMENTS TO THE TENTATIVE MARKETING AGREEMENT AND TO THE ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Hotel Pfister, Milwaukee, Wisconsin, at 1:00 p. m., c. s. t., on May 22, 1951.

The hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the handling of milk for the Milwaukee, Wisconsin, marketing area and to the proposed amendments to the tentative marketing agreement as heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the said marketing area (7 CFR 907.0 et seq.), set forth herein below, or modifications thereof. Consideration will be given also to the question of whether such conditions require emergency action with respect to any or all amendments deemed necessary as the result of the hearing. The proposed amend-

ments have not received the approval of the Secretary of Agriculture.

The following amendments have been proposed by the Milwaukee Cooperative Milk Producers Association:

Proposal No. 1. Consider the amendment of § 907.12 so that the definition ("handler") therein contained is more definite in respect to its application to public institutions and other marginal operations.

Proposal No. 2. Amend § 907.17 to read as follows:

§ 907.17 *Base milk.* "Base milk" means producer milk received by a handler during any of the months of April, May or June, which is not in excess of such producer's base mutiplied by the number of days of delivery during such month.

Proposal No. 3. Amend § 907.18 to read as follows:

§ 907.18 *Excess milk.* "Excess milk" means producer milk received by a handler in any of the months of April, May or June in excess of base milk received from such producer during such month.

Proposal No. 4. Reinstate § 907.30 (b) which reads as follows:

(b) The aggregate quantities of base and excess milk.

Proposal No. 5. Amend § 907.31 to read as follows:

§ 907.31 *Payroll reports.* On or before the 19th day of each month each handler shall submit to the market administrator his producer payroll for the preceding month which shall show (a) the total pounds of milk received from each producer, including for the months of April through June such producer's deliveries of base milk and excess milk, (b) the number of days on which milk was received from each producer, (c) the total pounds of milk received from each cooperative association and the total pounds of butterfat contained in such milk, (d) the amount of payment to each producer or cooperative association, (e) the nature and amount of any deductions or charges involved in such payments, and (f) such other information with respect thereto as the market administrator may request.

Proposal No. 6. Amend § 907.50 (c) to read as follows:

(c) The price per hundredweight computed from the following formula:

(1) Multiply by 4.24 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the U. S. D. A. during the delivery period: *Provided,* That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk solids, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding delivery period through the 25th day of the current delivery period, by the U. S. D. A.; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 75.2 cents.

Proposal No. 7. Amend § 907.51 (a) and (b) to read as follows:

(a) *Class I milk.* The price for Class I milk shall be the basic formula price plus the following amount as indicated: May and June, $0.46; July, August, September, October and November, $0.86; all others, $0.66: *Provided,* That for each percent that the most recently computed supply-demand ratio as determined under Order No. 41 regulating the handling of milk in the Chicago, Illinois, Marketing Area, is greater or less than the applicable percentage contained in the schedule in § 941.51 (d), the Class I price shall be increased or decreased, respectively, by the following amount for the delivery period indicated: May and June, $0.02; July, August, September, October, and November, $0.04; all others $0.03: *And provided further,* That any adjustment made pursuant to the above proviso in this subparagraph shall be limited to 18 cents in May and June; 30 cents in the July–November period; and 24 cents in all other delivery periods; but in no event shall the Class I price differential computed pursuant to this subparagraph be less than 50 cents.

(b) *Class II milk.* The price for Class II milk shall be the basic formula price plus the following amount as indicated: May and June, $0.30; July, August, September, October and November, $0.50; all others, $0.40: *Provided,* That such amount for the delivery period shall be adjusted by the amount of any adjustment made in the Class I price differential pursuant to the provisos of subparagraph (1) of this paragraph; but in no event shall the Class II price differential computed pursuant to this subparagraph be less than 40 cents in the July-November period or less than 30 cents in all other delivery periods.

Proposal No. 8. Amend § 907.60 to read as follows:

§ 907.60 *Computation of base for each producer.* For each of the months of April through June of each year, each handler shall compute a base for each producer as follows, subject to the rules set forth in § 907.61:

(a) Divide the total pounds of milk received by a handler(s) from such producer during the months of September through December immediately preceding by the number of days, not to be less than seventy-five, of such producer's delivery in such period, and increase the resulting amount by the following applicable percentage: (1) For April through June of 1952, forty percent (40%), (2) for April through June of 1953, thirty percent (30%) and (3) for April through June thereafter, twenty percent (20%): *Provided,* That any producer for whom a base has been computed has the option to change his base upon notice in writing to the handler before the end of each of the delivery periods, April through June to a base equal to 80 percent of his deliveries.

(b) Each producer who does not deliver milk in accordance with the above requirements shall have a base computed in the following manner: for each of such months of April through June, the base for such producers shall be 80 percent of his total deliveries.

Proposal No. 9. Amend § 907.61 to read as follows:

§ 907.61 *Base rules.* The following rules shall apply in connection with the establishment of bases:

(a) A base assigned to a producer consisting of 2 or more individuals, whether landlord and tenant, or partners, or joint owners may be retained or divided in whatever manner agreed upon between the parties upon dissolution of the relationship: *Provided,* That notice is given to the handler.

(b) A base will remain with the surviving member or members of the immediate family who carry on the dairy operations in case of the death of a producer, or may be so transferred upon the retirement of a producer.

(c) The bases of two or more producers having the same handler may be combined where a business relationship between them is formed, and written notice is given to the handler.

(d) Producers shall be notified by the handler receiving his milk as to the base allotted to him pursuant to § 907.60 (a) as soon as allotment is made, and in any event, not later than March 15.

Proposal No. 10. Amend the introductory paragraph of § 907.71 to read as follows:

§ 907.71 *Computation of uniform price for each handler.* The market administrator shall compute for each handler the uniform price per hundredweight of producer milk for each of the months of July through March in the following manner: To the value computed pursuant to § 907.70:

Proposal No. 11. Reinstate § 907.72, amended to read as follows:

§ 907.72 *Computation of uniform prices for base milk and excess milk.* The market administrator shall compute for each handler the uniform prices per hundredweight of base milk and excess milk for each of the months of April through June as follows: To the value computed pursuant to § 907.70:

(a) Add or deduct, as the case may be, the amount of money involved in adjustments resulting from verification by the market administrator of the handler's reports for previous months:

(b) Add or deduct, as the case may be, the amount of money involved in adjusting the handler's preceding month's uniform price to the nearest cent:

(c) Compute the total value of excess milk received by such handler by multiplying the hundredweight of such excess milk by the Class III price for 3.5 percent milk as announced for the previous month.

(d) Compute the total value of base milk, received by such handler by subtracting the amount computed pursuant to paragraph (c) of this section from the amount computed pursuant to paragraph (b) of this section.

(e) Divide the result obtained in paragraph (d) of this section by the hundredweight of base milk received by such handler, and adjust to the nearest cent. This result shall be known as the uniform price per hundredweight of such handler for base milk of 3.5 percent butterfat content received at his fluid milk plant(s) or receiving station(s).

(f) Divide the result obtained in paragraph (c) of this section by the hundredweight of excess milk, and adjust to the nearest cent. This result shall be known as the uniform price per hundredweight of such handler for excess milk of 3.5 percent butterfat content received at his fluid milk plant(s) or receiving station(s): *Provided, however,* That the difference of any amount above the price of base milk determined pursuant to § 907.72 (e) shall be allocated to the payment of base milk and shall not be paid for excess milk.

(g) If the combined amount of Class III and Class IV milk reported by all handlers in the marketing area during the months of February and March of any year does not exceed 18 percent of the total receipts from producers by said handlers, then producers shall not be paid pursuant to the base-excess payment provisions of this order during April, May and June of such year, but shall be paid according to the uniform price provisions as they are otherwise applicable herein.

Proposal No. 12. Amend § 907.80 (a) and (b) to read as follows:

§ 907.80 *Time and method of payment for producer milk.* (a) On or before the 15th day after the end of each of the months of July through March, each handler shall make payment to each producer for milk received from such producer during such month at not less than the uniform price per hundredweight computed for such handler (§ 907.71), subject to the butterfat differential provided by § 907.81 and to the deduction specified in § 907.83: *Provided,* That if a cooperative association of which such producer is a member is authorized to receive payment for such producer and requests receipt of such payment, payment shall be made to such cooperative association on or before the 13th day after the end of such month: *And provided also,* That the provisions of this paragraph shall not be construed to restrict any cooperative association qualified under section 8c (5) (F) of the act from making payment for milk to its producers in accordance with such provision of the act;

(b) On or before the 15th day after the end of each of the months of April through June each handler shall make payment to each producer for milk received from such producer during such month as follows, subject to the butterfat differential provided by § 907.81, the deduction specified in § 907.83, and both provisos of paragraph (a) of this section;

(1) At not less than the uniform price per hundredweight for base milk (§ 907.72) with respect to base milk received from such producer; and

(2) At not less than the uniform price per hundredweight for excess milk (§ 907.72) with respect to excess milk received from such producer.

Proposal No. 13. Amend § 907.90 to read as follows:

§ 907.90 *Producer-handlers.* Sections 907.40 to 907.47, 907.50 to 907.51, 907.60 to 907.61, 907.70 to 907.72, and 907.80 to 907.85, inclusive, shall not apply to a producer-handler.

Proposal No. 14. Amend § 907.41 (a) to include concentrated milk, flavored milk and flavored milk drinks as Class I milk.

The following amendments have been proposed by the Blochowiak Dairy, et al.

Proposal No. 15. Amend § 907.46 to provide for the conversion of butterfat in excess shrinkage and in Class II milk, Class III milk and Class IV milk to milk equivalent by use of a factor of 3.7 percent in lieu of 3.5 percent.

Proposal No. 16. Amend § 907.47 (d) to provide for reconciliation between the sum of the computed class volumes of milk and producer receipts at the Class III price.

The following amendments have been proposed by the Dairy Branch, Production and Marketing Administration.

Proposal No. 17. Delete § 907.91 (a) (2) and substitute therefor:

(2) The other order is that regulating the handling of milk in the Chicago, Illinois, marketing area and the Secretary determines that the quantity of Class I milk disposed of by such handler within the marketing area herein defined is greater than the quantity so disposed of in the marketing area defined in such other order. This subparagraph shall be applied only with respect to milk at the plant(s) from which disposition was made by the handler directly to outlets within the Milwaukee, Wisconsin, marketing area.

Proposal No. 18. Reconsider the definitions of "Route" (§ 907.7), "Fluid milk plant" (§ 907.8), "Receiving station" (§ 907.9), "Producer" (§ 907.10), "Producer milk" (§ 907.11), "Producer-handler" (§ 907.13), and "Other source milk" (§ 907.14), and "Nonfluid milk plant" (§ 907.15) in light of the proposed reconsideration of the definition of "Handler" under Proposal No. 1 above.

Proposal No. 19. Reconsider the method of applying the rate of administrative assessment under § 907.82 to other source milk classified as Class I milk or Class II milk.

Proposal No. 20. Make such other changes as may be required to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

The following amendment has been proposed by Wern Farms:

Proposal No. 21. Reclassify skim milk from Class I milk to Class II milk.

The following amendment has been proposed by the Gehl Guernsey Farms, Inc., and Wern Farms:

Proposal No. 22. Amend § 907.47 (d) to provide for reconciliation between the sum of the computed class volumes of milk and producer receipts at the Class III price.

The following amendments have been proposed by the Kewaskum Dairy Company:

Proposal No. 23. Delete §§ 907.60, 907.61, 907.71, and 907.72 contained in said order, relating to the "Base and Surplus Plan."

Proposal No. 24. Amend § 907.70 to read as follows:

§ 907.70 *Determination of uniform price*—(a) *Net pool obligation of handlers.* The market administrator shall on or before the 14th day of each delivery period examine for mathematical correctness and obvious errors the report of receipts and utilization submitted by each handler for the preceding delivery period and shall make such corrections as such examination shall indicate to be appropriate. The net pool obligations of each handler for milk received from producers during each delivery period shall be a sum of money computed for such delivery period as follows:

(1) Multiply the net pooled milk in each class by the applicable class price and add together the resulting amounts.

(b) *Computation of the uniform price.* The market administrator shall compute the uniform price per hundredweight of milk for each delivery period in the following manner:

(1) Combine into one total the net pool obligation of all handlers, computed pursuant to paragraph (a) of this section.

(2) Add the amount of cash balance in the producer-settlement fund;

(3) Divide the result by the total hundredweight of net pooled milk of all handlers whose net pool obligations are included pursuant to subparagraph (1) of this paragraph; and

(4) Subtract not less than 4 cents nor more than 5 cents to provide against the contingency of errors in reports and payments or of delinquencies in payments by handlers. The result shall be known as the uniform price for milk containing 3.5 percent butterfat received from producers.

Proposal No. 25. Amend § 907.80 to read as follows:

§ 907.80 *Payment for milk*—(a) *Time and method of payment.* (1) On or before the 15th day after the end of each delivery period each handler shall pay to each cooperative association which is also a handler, for milk purchased or received from it during the delivery period, an amount of money representing not less than the total value of such milk computed by multiplying the pounds of such milk in each class by the applicable class price subject to a butterfat differential computed as in § 907.81.

(2) On or before the 18th day after the end of each delivery period each handler shall pay to each producer, for milk purchased or received from him during such delivery period, an amount of money representing not less than the

total value of such milk, at the uniform price per hundredweight: *Provided*, That if by such date such handler has not received full payment for such delivery period pursuant to paragraph (d) of this section, he may reduce such payments uniformly per hundredweight for all producers by an amount not in excess of the per hundredweight reduction in payment from the market administrator; however, the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment was received from the market administrator.

(b) *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to paragraph (c) of this section and out of which he shall make all payments to handlers pursuant to paragraph (d) of this section: *Provided*, That the market administrator shall offset any such payment due to any handler against payments due from such handler. Immediately after computing the uniform price for each delivery period, the market administrator shall compute the amount by which each handler's net pool obligation is greater or less than the sum obtained by multiplying such handler's net pooled milk by the uniform price and shall enter such amount on such handler's account as a pool debit or pool credit, as the case may be, and shall render such handler a transcript of his account.

(c) *Payments to producer-settlement fund.* On or before the 16th day after the end of each delivery period each handler shall make full payment to the market administrator of any pool debit balance shown on the account rendered, pursuant to paragraph (b) of this section, for the preceding delivery period.

(d) *Payments out of the producer-settlement fund.* On or before the 17th day after the end of each delivery period, the market administrator shall pay to each handler the pool credit balance shown on the account rendered, pursuant to paragraph (b) of this section, if any, for the preceding delivery period, less any unpaid obligations of the handler, pursuant to paragraph (c) of this section. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

Copies of this notice of hearing and of the said order, as amended, may be procured from the Market Administrator, 956 N. 12th Street, Milwaukee 3, Wisconsin, or from the Hearing Clerk, Room 1353, South Building, Washington 25, D. C., or may be there inspected.

Dated: May 15, 1951, at Washington, D. C.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 51-5793; Filed, May 17, 1951; 8:50 a. m.]

[7 CFR, Part 991]

[Docket No. AO 194-A-4]

HANDLING OF MILK IN THE ROCKFORD-FREEPORT, ILL., MARKETING AREA

PROPOSED AMENDMENTS TO THE TENTATIVELY APPROVED MARKETING AGREEMENT AND TO THE ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Hotel Faust, 618 E. State Street, Rockford, Illinois, beginning 9:30 a. m., c. d. s. t., on May 25, 1951.

The hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the handling of milk for the Rockford-Freeport, Illinois, marketing area and to the proposed amendments to the tentative marketing agreement as heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the said marketing area set forth herein below, or modifications thereof. Consideration will be given also to the question of whether such conditions require emergency action with respect to any or all amendments deemed necessary as the result of the hearing. The amendments proposed have not received the approval of the Secretary of Agriculture.

The following amendments have been proposed by the Stephenson County Pure Milk Association and the Mid-West Dairymen's Company:

Proposal No. 1. Delete the schedule of prices in § 991.51 and substitute therefor language to provide that the Class I price shall be the same as the minimum Class I price effective under Federal Order No. 41 for plants located in the Chicago, Illinois, marketing area, plus 10 cents.

Proposal No. 2. Delete the schedule of prices in § 991.52 and substitute therefor language to provide that the Class II price shall be the same as the minimum Class II price effective under Federal Order No. 41 for plants located in the Chicago, Illinois, marketing area, plus 10 cents.

The following amendments have been proposed by the Dairy Branch, Production and Marketing Administration:

Proposal No. 3. Delete § 991.50 (b) in its entirety and substitute therefor the following:

(b) The price per hundredweight computed from the following formula:

(1) Multiply the simple average as computed by the market administrator, of the daily average wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department during the delivery period, by 6;

(2) Add 2.4 times the simple average as published by the Department of the prices determined per pound of "Cheddars" on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, for the trading days that fall within the month;

(3) Divide by 7;

(4) Add 30 percent thereof; and

(5) Multiply by 3.5.

Proposal No. 4. Delete § 991.50 (c) in its entirety and substitute therefor the following:

(c) The price per hundredweight computed as follows:

(1) Multiply by 4.24 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the Department during the delivery period: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk solids, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding delivery period through the 25th day of the current delivery period by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 75.2 cents.

Proposal No. 5. Delete § 991.61 (d) and substitute therefor:

(d) Milk received at a plant where any fluid milk is received and bottled for distribution as Class I milk in the marketing area defined in Federal Order No. 41 regulating the handling of milk in the Chicago, Illinois, marketing area shall be subject to pricing and payment under this order only in the event that the Secretary determines that the quantity of Class I milk disposed of from such plant within the marketing area herein defined is greater than the quantity of Class I milk disposed of from such plant within the marketing area defined in Federal Order No. 41.

Proposal No. 6. Delete § 991.41 (a) (1) and substitute therefore the following:

(1) Disposed of in fluid form as milk, skim milk, buttermilk, flavored milk, flavored milk drink (except as provided in paragraph (c) (4) of this section), and concentrated (including frozen) milk, flavored milk and flavored milk drink not sterilized; or

Proposal No. 7. Make such other changes as may be required to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

The following amendments have been proposed by the Rockford-Freeport, Illinois, handlers:

Proposal No. 8. Amend the order to include the following definition:

"Emergency milk" means milk which is permitted by the health authorities of any of the several municipalities in the marketing area to be labeled Grade "A" and which is received by a handler

from sources other than producers or other handlers during any delivery period in which the market administrator determines that the supply of Grade "A" milk available to such handler is insufficient to fulfill his Class I and Class II requirements for Grade "A" milk.

Proposal No. 9. Amend § 991.14 by adding the words "in emergency milk verification."

Copies of this notice of hearing and of the said order, as amended, may be procured from the Market Administrator, 73 West Monroe Street (2d floor), Chicago 3, Illinois, or from the Hearing Clerk, United States Department of Agriculture, Room 1353, South Building, Washington 25, D. C., or may be there inspected.

Dated: May 15, 1951, at Washington, D. C.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 51-5794; Filed, May 17, 1951; 8:50 a. m.]

HOUSING AND HOME FINANCE AGENCY

Home Loan Bank Board

[24 CFR, Part 163]

[No. 4256]

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

SETTING UP, DESIGNATION, AND PURPOSE OF FEDERAL INSURANCE RESERVE

MAY 15, 1951.

Resolved that, pursuant to Part 108 of the general regulations of the Home Loan Bank Board (24 CFR Part 108), an amendment to § 163.11 of the rules and regulations for insurance of accounts (24 CFR 163.11) to read in the form hereinafter set forth is hereby proposed.

Resolved further that a hearing will be held on June 25, 1951, at 10 o'clock in the forenoon in Room 827, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington, D. C., before the Home Loan Bank Board, a member thereof, or a hearing officer designated by the Board, for the purpose of receiving evidence, oral views and arguments on said proposed amendment of the rules and regulations for insurance of accounts, if written notice of intention to appear at said hearing is received by the Secretary to the Home Loan Bank Board at least five days before said date. If no such written notice of intention to appear has been received by the Secretary to the Board at least five days before the date set for the hearing, the hearing will be dispensed with. Whether or not a hearing is held, written data, views or arguments on said proposed amendment which are received by the Secretary to the Home Loan Bank Board on or before June 20, 1951, or prior to the conclusion of the hearing, if held, will be considered by the Home Loan Bank Board in connection with its consideration of the proposed amendment of the said rules and regulations.

§ 163.11 *Setting up, designation, and purpose of Federal insurance reserve.* Each insured institution shall set up a Federal insurance reserve account which shall be used solely for the purpose of absorbing losses. No insured institution may pay dividends from its Federal insurance reserve account. Any insured state-chartered institution may by resolution of its board of directors or by other appropriate corporate action designate as its Federal insurance reserve account any reserve account which under the provisions of state law is established for the sole purpose of absorbing losses. Evidence of such action shall be filed with the Corporation. With the prior written approval of the Corporation, any other reserve account which by specific and adequate corporate action of an insured institution is made subject to charges for losses only, may be designated as its Federal insurance reserve account. The general reserves of Federal savings and loan associations operating under Charter K or Charter N are deemed to meet the requirements of this section.

(Sec. 402, 48 Stat. 1256, as amended; 12 U. S. C. 1725. Interprets or applies sec. 403, 48 Stat. 1257, as amended; 12 U. S. C. 1726)

By the Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 51-5790; Filed, May 17, 1951; 8:49 a. m.]

NOTICES

FEDERAL POWER COMMISSION

[Docket No. E-6347]

MONTANA-DAKOTA UTILITIES CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF SECURITIES

MAY 14, 1951.

Notice is hereby given that, on May 9, 1951, the Federal Power Commission issued its order entered May 9, 1951, supplementing its order issued April 19, 1951, published in the FEDERAL REGISTER April 27, 1951 (16 F. R. 3624-3625), authorizing issuance of securities in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-5768; Filed, May 17, 1951; 8:46 a. m.]

[Docket No. G-1303]

EL PASO NATURAL GAS CO. AND EL PASO GAS TRANSPORTATION CORP.

NOTICE OF FINDINGS AND ORDER

MAY 14, 1951.

Notice is hereby given that, on May 9, 1951, the Federal Power Commission issued its findings and order entered May 8, 1951, issuing a certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-5766; Filed, May 17, 1951; 8:46 a. m.]

[Docket No. G-1425]

VALLEY GAS PIPE LINE CO., INC.

NOTICE OF ORDER DISMISSING APPLICATION

MAY 14, 1951.

Notice is hereby given that, on May 9, 1951, the Federal Power Commission issued its order entered May 8, 1951, dismissing application, without prejudice for lack of prosecution, in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-5765; Filed, May 17, 1951; 8:46 a. m.]

[Docket No. G-1627]

MONTANA POWER CO.

NOTICE OF FINDINGS

MAY 14, 1951.

Notice is hereby given that, on May 8, 1951, the Federal Power Commission issued its findings entered May 8, 1951, in the above-designated matter, determining that the proposed construction and operation of facilities do not require a certificate of public convenience and necessity.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-5767; Filed, May 17, 1951; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

ARLINGTON GAS LIGHT CO. ET AL.

NOTICE OF PROPOSED BANK BORROWINGS

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 11th day of May A. D. 1951.

In the matter of Arlington Gas Light Company, Central Massachusetts Gas Company, Gloucester Gas Light Company, Malden and Melrose Gas Light Company, Northampton Gas Light Company, Salem Gas Light Company, Wachusett Gas Company; File No. 70-2627.

Notice is hereby given that the above named companies (hereinafter individually referred to as "Arlington", "Central Mass.", "Gloucester", "Malden and Melrose", "Northampton", "Salem", and "Wachusett" and collectively referred to as "the borrowing companies"), all subsidiary companies of New England Elec-

tric System ("NEES"), a registered holding company, have filed declarations, pursuant to the Public Utility Holding Company Act of 1935. The borrowing companies have designated sections 6 (a) and 7 of the act and Rules U-42 (b) (2) and U-50 (a) (2) promulgated thereunder as being applicable to the transactions described therein.

Notice is further given that any interested person may, not later than May 24, 1951, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter stating the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted; or he may request that he be notified if the Commission should order a hearing thereon. At any time after said date, said declarations, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 and Rule U-100 thereof. Any such request should be addressed to: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C.

All interested persons are referred to said declarations, which are on file in the offices of this Commission, for a statement of the transactions therein proposed which are summarized as follows:

Under separate bank loan agreements with the National City Bank of New York, the borrowing companies propose to borrow, from time to time but not later than January 1, 1952, an aggregate amount of $7,150,000, such borrowings to be evidenced by promissory notes maturing May 1, 1952.

The following table shows the aggregate face amount of promissory notes proposed to be issued by each of the borrowing companies, the proposed rate of interest of said notes, and the application by such companies of the proceeds therefrom:

TABLE

Company	Aggregate amount of notes proposed to be issued	Interest rate per annum	Notes payable to banks	For construction	For conversion costs [1]
		Percent			
Arlington	$1,200,000	2¾	$75,000	$541,700	$583,300
Central Massachusetts	400,000	3		200,000	200,000
Gloucester	500,000	3		370,600	129,400
Malden and Melrose	3,000,000	2¾	950,000	937,800	1,112,200
Northampton	400,000	3		225,000	175,000
Salem	1,400,000	2¾		1,051,400	348,600
Wachusett	250,000	3		92,300	157,700
Total	7,150,000		1,025,000	3,418,800	2,706,200

[1] In payment of conversion costs in connection with the distribution of natural gas expected to be available in the latter half of 1951.

Each of the proposed bank loan agreements provides (1) that each loan thereunder shall be in the aggregate amount of $50,000 or a multiple thereof, (2) for a commitment fee at the rate of ½ of 1 percent, for the period from the date of the Commission's order herein to December 31, 1951, on the average daily difference between the amount of the bank's commitment and the amount borrowed, (3) for the right at any time on five days' notice to terminate said agreement in its entirety upon payment in full of all outstanding notes with interest and accrued commitment fees to the date of such payment, the obligation to pay commitment fees ceasing upon the effective date of termination, (4) for prepayment of the principal of the notes, in whole or in part, on three business days' notice without premium unless the funds are obtained from other banking organizations, in which case a premium of ¼ of 1 percent is provided for, (5) that in case of prepayment, in whole or in part, the borrowing company shall have no right to reborrow the amount so prepaid, and the amount of the bank's commitment will be reduced by the amount of the prepayment, (6) that the borrowing company will not, without written consent of the bank, (a) borrow money except under the proposed agreement, (b) merge or sell a substantial part of its property or (c) redeem, retire or purchase any of its outstanding stock or declare or pay any dividend, or make any distribution of assets to stockholders except dividends out of net earnings accumulated after December 31, 1950, and (7) that the net proceeds of any capital stock or funded debt will be applied towards the payment of loans thereunder.

The declarations state that incidental services in connection with the proposed transactions will be performed at cost by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed $500 for each of the borrowing companies, or the aggregate sum of $3,500. Each of the bank loan agreements provides that the respective borrowing companies will reimburse the lending bank for out-of-pocket expenses, including counsel fees incurred in connection with the agreements. The estimated amount of such expenses and fees will be supplied by amendment. Other expenses, including printing of the bank loan agreements, are estimated not to exceed $100 for each of the borrowing companies, or an aggregate amount of $700.

The declarations further state that no state commission has jurisdiction over the proposed transactions.

The borrowing companies request that the Commission's order herein become effective forthwith upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-5759; Filed, May 17, 1951; 8:45 a. m.]

[File No. 70-2629]

UNION ELECTRIC CO. OF MISSOURI AND MISSOURI POWER & LIGHT CO.

NOTICE OF FILING FOR AUTHORITY TO SELL UTILITY ASSETS TO NONAFFILIATED PUBLIC UTILITY COMPANY

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 11th day of May 1951.

Notice is hereby given that a joint declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("the act") by Union Electric Company of Missouri ("Union"), a registered holding company and a public utility company, and its public-utility subsidiary, Missouri Power & Light Company ("Missouri Power"), all of whose outstanding common stock is owned by Union. Declarants designate section 12 (d) of the act and Rule U-44 (a) thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than May 31, 1951, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after May 31, 1951, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested parties are referred to said declaration on file in the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Missouri Power proposes to sell its electric distribution properties located at Clinton, Missouri to Missouri Public Service Company ("Missouri Public"), a non-affiliated public utility company, for a purchase price of $650,000 in cash, including $17,569.30 on account of the transfer of materials and supplies and merchandise on hand for resale and $709.59 for certain other investments, pursuant to an agreement of sale between said companies, dated January 18, 1951. A copy of said agreement is on file with the Commission.

The net book cost (depreciated original cost) at December 31, 1950, of the electric properties to be sold was $289,580. Missouri Power proposes to credit the excess of the purchase price over the depreciated book cost to earned surplus on its books of account.

The declarants state that this transaction is proposed to facilitate compliance with the terms of an order of this Commission, dated December 28, 1950, (Holding Company Act Release No. 10320) whereby the acquisition of all the common stock of Missouri Power by Union was permitted, subject to the con-

dition, inter alia, that the Clinton electric distribution properties be disposed of within six months, since such properties could not be retained under the standards of section 11 of the act.

The declaration states that the net proceeds of the sale will be expended for the construction by Missouri Power of a new substation near Moberly, Missouri, which it alleges will further integrate its system with that of Union.

The proposed transactions have been approved by the Missouri Public Service Commission, and it is represented that the proposed sale is not subject to the jurisdiction of any other regulatory body, except this Commission.

It is requested that the order of this Commission approving the sale conform to the requirements of Supplement R of Chapter I of the Internal Revenue Code, as amended.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-5760; Filed, May 17, 1951; 8:45 a. m.]

[File No. 70-2623]

BIRMINGHAM ELECTRIC CO.

NOTICE OF FILING WITH RESPECT TO SALE OF TRANSPORTATION PROPERTIES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 11th day of May 1951.

Notice is hereby given that an application has been filed pursuant to the Public Utility Holding Company Act of 1935 ("act") and the general rules and regulations promulgated thereunder by Birmingham Electric Company ("Birmingham"), a public utility company and an indirect subsidiary of the Southern Company, a registered holding company. The applicant has designated sections 9 (a) and 10 of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than May 25, 1951, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application proposed to be controverted or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after May 25, 1951, such application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized below:

This Commission on August 24, 1950, entered an order whereby Alabama Power Company, a public utility subsidiary of the Southern Company, was permitted to acquire certain capital stock of Birmingham (Holding Company Act Release No. 10055). Such order provided, in effect, that Alabama Power Company shall dispose, not later than August 31, 1951, of any direct or indirect interest in the transportation properties and business owned by Birmingham. In compliance with the aforesaid order, Birmingham has notified this Commission, pursuant to the provisions of Rule U-44 (c) under the act, that it has entered into an agreement dated April 10, 1951, with John S. Jemison, Jr., Ernest Woods, Harvey Deramus, George Morris, and Joseph H. Woodward, II, a group of Birmingham businessmen none of whom is or has been affiliated with Birmingham or any of its affiliates. The notice under Rule U-44 (c) states that Birmingham previously requested sealed bids to be submitted on November 14, 1950, for the purchase of its transportation properties but that no bids were received. Following the failure of the company to receive bids Birmingham announced that it would enter into negotiations with respect to the sale of the properties with any persons interested in so doing.

It is further stated that by February 1, 1951, five groups indicated an interest and that after protracted discussions definite proposals for the purchase of the property were received from three, the most favorable of which, in the company's opinion, was submitted by John S. Jemison, Jr., and his associates and was accepted and incorporated in a contract entered into on April 10, 1951. Under the terms of this agreement the purchasers will, among other things, organize an Alabama corporation ("realty company") to which Birmingham will transfer the real estate upon which are located the transportation offices, garages, shops and storage yards used by Birmingham in its transportation business. In addition, the purchasers will organize another Alabama Corporation ("transit company") to own and operate a public transportation system in the areas now served by Birmingham and Birmingham will convey to such corporation its remaining transportation properties and its franchises. The realty company will lease its property to the transit company which will pay as rental the operating expenses of realty company and all amounts necessary to discharge the realty company's obligations. Under the contract, Birmingham also agrees to assign its right to receive, upon payment therefor, 63 trolley coaches from Pullman Standard Car Manufacturing Company.

The aggregate consideration to be received by Birmingham, subject to certain adjustments, is $2,012,500 of which $1,212,500 is payable in cash (including $1,000,000 to be paid by Birmingham to Pullman Standard Car Manufacturing Company) and $800,000 is payable by the delivery of purchase money obligations of the realty company. Such obligations will be dated as of the date of transfer of Birmingham's property to be sold, will be secured by a first mortgage on all of the property of the realty company, will bear interest at the rate of 4½ percent per annum payable annually, will mature 12 years after date and will be amortized at the rate of $25,000 per annum for the first 4 years and at the rate of $50,000 per annum thereafter. The mortgage securing the purchase money obligations will contain a covenant that the lease to the transit company will not be modified or cancelled without consent of Birmingham as long as any of the mortgage indebtedness remains unpaid and the lease will contain a similar provision. The contract also provides that the purchasers will take over, on a month to month basis, and pay the rental on certain motor buses and coaches leased by Birmingham for varying periods. Birmingham has agreed to include in the property to be conveyed certain overhead facilities for trolley coaches to be constructed by Birmingham at a cost of not to exceed $300,000.

Applicant states that, as of March 31, 1951, the book cost, less applicable reserve, of the property to be sold by Birmingham, plus the payment of $200,000 to Pullman Standard Car Manufacturing Company being the estimated amount of Birmingham's liability to that company in excess of the $1,000,000 to be paid by the purchasers, the estimated cost of $300,000 for the above-mentioned overhead facilities, the cost of track removal and paving estimated at $250,000, and $290,000 of materials and supplies to be transferred under the contract, was $7,950,074. Applicant further states that on the basis of the consideration under the contract, the estimated net loss to Birmingham, after credit of an estimated reduction in income taxes for the period 1950–53 inclusive, as a result of the proposed sale and upon the basis of existing tax laws, will be approximately $3,323,225, which loss Birmingham proposes to charge to earned surplus after which there will remain in earned surplus approximately $2,087,622; and that for the 12-months ended March 31, 1951, Birmingham's transportation department operated at a loss of $695,310 before depreciation charges of approximately $570,000.

The contract is subject to the obtaining of all necessary governmental approvals and to the securing of a release of the property to be sold from the lien of Birmingham's Mortgage and Deed of Trust, dated August 1, 1944, to Central Hanover Bank & Trust Company and Frank Woolf, Trustees, as amended. The contract provides for the closing thereunder 28 days after the receipt of the last of such approvals and release and also provides that the obligations of the parties thereto shall terminate 120 days after the date of the contract if such approvals and release have not then been obtained.

Birmingham states it contemplates that, upon transfer of the properties pursuant to the contract, it will abandon all transit business upon approval by the Alabama Public Service Commission, to which commission application has been made for such approval as well as for the approval of its proposed sale of the transportation properties.

The above-described proposed sale is not a part of Birmingham's present application to this Commission and the

Commission has determined that a declaration with respect to the sale should not be required. The application by Birmingham seeks permission to acquire the purchase money obligations from the realty company which are to form part of the consideration to be received by Birmingham in connection with the sale.

It is estimated that the proposed transactions will involve expenditures aggregating $6,000, including counsel fees in the amount of $3,000.

Birmingham requests that the Commission's order herein be issued by June 1, 1951, and that it become effective upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-5761; Filed, May 17, 1951; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17777]

EHINGER & CIE

In re: Accounts maintained in the name of Ehinger & Cie, Basle, Switzerland, and owned by persons whose names are unknown. F-63-3155.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights, and interests in the accounts identified in Exhibit A set forth below, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on May 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

EXHIBIT A

[Accounts maintained in the name of Ehinger & Cie, Basle, Switzerland]

Column I Name and address of institution which maintains account	Column II Designation of account
Brown Bros., Harriman & Co., 59 Wall St., New York 5, N. Y.	(a) Ehinger & Cie, Basle, blocked account, ordinary account, and (b) Ehinger & Cie, Basle, general ruling No. 6 account; as described by Brown Bros., Harriman & Co., in its report on Form OAP-700, bearing its Serial No. 42. (c) Ehinger & Cie, Basle, blocked account, as described by Brown Bros., Harriman & Co., in its report on Form OAP-700, bearing its serial No. 43.

[F. R. Doc. 51-5709; Filed, May 16, 1951; 8:47 a. m.]

[Vesting Order 17778]

LEIF HOEGH & CO.

In re: Accounts maintained in the name of Leif Hoegh & Co., A/S, Oslo, Norway, and owned by persons whose names are unknown. D-51-206.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10

of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on May 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Leif Hoegh & Co., A/S, Oslo, Norway]

Column I	Column II
Name and address of institution which maintains account	Designation of account
The National City Bank of New York, 55 Wall St., New York 5, N. Y.	(a) Current account—uncertified account, as described by The National City Bank of New York in its report on form OAP-700, bearing its serial No. 0216; (b) Miscellaneous portfolio of stock, uncertified account, as described by The National City Bank of New York in its report on form OAP-700, bearing its serial No. B48.

[F. R. Doc. 51-5710; Filed, May 16, 1951; 8:47 a. m.]

[Vesting Order 17780]

H. NEUBERG & Co.

In re: Accounts maintained in the name of H. Neuberg & Co., in liquidation, Amsterdam, Holland, and owned by persons whose names are unknown. F-49-1348.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on May 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of H. Neuberg & Co., in liquidation, Amsterdam, Holland]

Column I	Column II
Name and address of institution which maintains account	Designation of account
The Chase National Bank of the City of New York, 18 Pine St., New York, N. Y.	(a) Bank deposit—H. Neuberg & Co., in liquidation, and (b) H. Neuberg & Co., in liquidation (A/C # PS-87777) consisting of a miscellaneous portfolio of securities payable in dollars and other currencies; as described by The Chase National Bank of the City of New York in its report on Form OAP-700, bearing its serial No. 277.

[F. R. Doc. 51-5711; Filed, May 16, 1951; 8:47 a. m.]

[Vesting Order 17702]

LIPPMANN ROSENTHAL & Co.

In re: Accounts maintained in the name of Lippmann Rosenthal & Co., Amsterdam, The Netherlands, and owned by persons whose names are unknown. F-49-1339.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section

10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Accounts maintained in the name of Lippmann Rosenthal & Co., Amsterdam, The Netherlands

Column I Name and address of institution which maintains account	Column II Designation of account
1. The Chase National Bank of the City of New York, 18 Pine St., New York, N. Y.	Lippmann Rosenthal & Co., Amsterdam, The Netherlands, account No. PS 86506, as described by The Chase National Bank of the City of New York, in its report on Form OAP-700 bearing its Serial No. 267.
2. Guaranty Trust Co. of New York, 140 Broadway, New York, N. Y.	(a) Custody cash account XC 21825, and (b) Miscellaneous portfolio of stocks and bonds a/c XC 21825; as described by the Guaranty Trust Co. of New York in its report on Form OAP-700 bearing its Serial No. CU 43.

[F. R. Doc. 51-5782; Filed, May 17, 1951; 8:48 a. m.]

[Vesting Order 17739]

FIRMA H. C. BERENDS

In re: Accounts maintained in the name of Firma H. C. Berends, Amsterdam, The Netherlands, and owned by persons whose names are unknown. F-49-1342.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 25, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Firma H. C. Berends, Amsterdam, The Netherlands]

Column I Name and address of institution which maintains account	Column II Designation of account
The New York Trust Co., 100 Broadway, New York 15, N. Y.	Bank deposit, as described by The New York Trust Co. in its report on Form OAP-700, bearing its Serial No. FD 19.

[F. R. Doc. 51-5783; Filed, May 17, 1951; 8:48 a. m.]

[Vesting Order 17749]

DEUTSCHE WOCHENSCHAU G. M. B. H. ET AL.

In re: Rights in newsreel motion pictures owned by Deutsche Wochenschau G. m. b. H. and others.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons whose names and last known addresses are set forth in the column captioned "Producer" of Exhibit A, set forth below and made a part hereof, are corporations, partnerships, associations, or other business organizations organized under the laws of Germany and which have or, on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in Germany and are nationals of a designated enemy country (Germany);

2. That the property described as follows:

(a) All right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, in, to and under the following: The newsreel motion pictures listed in the column captioned "Title" of Exhibit A, set forth below and made a part hereof, including, but not limited to, the exclusive right to exhibit same, in whole or in part, by any means, including television, within the United States, all rights to arrange, adapt, revise, translate, and duplicate said newsreel motion pictures in whole or in part, and every copyright, claim of copyright, right to copyright, and right to renew the copyright or copyrights in said newsreel motion pictures;

(b) All right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of the persons identified in subparagraph 1 of this Vesting Order and also of all other persons (including individuals, partnerships, associations, corporations or other business organizations), whether or not named elsewhere in this order, who are citizens and residents of, or which are organized under the laws of or have their principal places of business in Germany, and are nationals of such designated enemy country, in, to and under the following:

(1) All prints in the United States of the newsreel motion pictures described in subparagraph 2 (a) of this Vesting Order,

(2) All arrangements, adaptations, dramatizations, translations and versions of the newsreel motion pictures described in subparagraph 2 (a) of this Vesting Order,

(3) Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to the property described in subparagraphs 2 (a) and 2 (b), (1) and (2) of this Vesting Order.

(c) All monies and amounts, and all rights to receive monies and amounts, by way of damages, royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to the property described in subparagraphs 2 (a) and (b) hereof, and

(d) All causes of action accrued or to accrue at law or in equity with respect to the property described in sub-

paragraphs 2 (a), 2 (b) and 2 (c) hereof, including but not limited to the rights to sue for and recover all damages and profits and to request and receive the benefits of all remedies provided by common law and by statute for the infringement of any copyright, for the violation of any right and for the breach of any obligation described in or affecting the aforesaid property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the persons referred to in subparagraphs 1 and 2 (b) hereof, the aforesaid nationals of a designated enemy country (Germany) and is property of, or is property payable or held with respect to copyrights or rights related thereto in which interests are held by, and such property itself constitutes interest therein held by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 30, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Title and Producer

Die Deutsche Wochenschau (series June 1, 1940, to December 31, 1946): Deutsche Wochenschau G. m. b. H., Berlin, Germany.

Die Deulig-Woche (entire series): Deulig-Film G. m. b. H., and Deulig-Film A. G., Berlin, Germany.

Die Deulig-Auslandwoche (entire series): Deulig-Film G. m. b. H., and Deulig-Film A. G., Berlin, Germany.

Die Emelka-Wochenschau (entire series): Emelka-Konzern, Munich, Germany.

Die Tobis-Wochenschau (entire series): Tobis-Film A. G., and Tobis-Filmkunst G. m. b. H., Berlin, Germany.

Die Trianon-Wochenschau (entire series): Trianon-Film-Verleih G. m. b. H., Berlin, Germany.

Die Ufa-Wochenschau, also known as die Ufa-Woche (entire series): Universum-Film A. G., "Ufa", Berlin, Germany.

[F. R. Doc. 51-5784; Filed, May 17, 1951; 8:48 a. m.]

[Vesting Order 17819]

JULIA TESCH

In re: Mortgage owned by Julia Tesch, also known as Julia Gesine Christina Tesch. F-28-4237.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Julia Tesch, also known as Julia Gesine Christina Tesch, whose last known address is No. 1 Baumbachstrasse, Hanover, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: A mortgage executed on October 19, 1922, by Edward Haas and Wilhelmina Haas, his wife, to Lawyers Title and Trust Company, and thereafter assigned by mesne assignments to Ernest George Tesch, by an assignment of mortgage in writing dated December 2, 1942, and recorded in the New York City Register's Office, Queen's County, State of New York, on May 4, 1943, in Liber 5025 of Mortgages, at Page 25, and any and all obligations secured by said mortgage including particularly but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) and any and all such obligations, and the right to enforce and collect such obligations, and the right to possession of the aforesaid mortgage, and any and all notes, bonds and other instruments evidencing such obligations,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 10, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5785; Filed, May 17, 1951; 8:48 a. m.]

[Vesting Order 17823]

EDUARD SCHMITZ AND MARY MUENCHMEYER

In re: Stock and bonds owned by Eduard Schmitz and Mary Muenchmeyer. F-28-31444.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Eduard Schmitz, whose last known address is Bremen-Horn, Vorstrasse 22, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That Mary Muenchmeyer, whose last known address is Bethel Bielefeld, Saronweg 40, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

3. That the property described as follows:

a. Four (4) shares of no par value common capital stock of Virginia-Carolina Chemical Corporation, 401 East Main Street, Richmond 8, Virginia, a corporation organized under the laws of the State of Virginia, evidenced by a certificate numbered NYCO/43214, registered in the name and presently in the custody of Brown Brothers Harriman & Co., 59 Wall Street, New York 5, New York, in an account entitled "Credit Suisse, Zurich," together with all declared and unpaid dividends thereon;

b. That certain certificate or certificates for one hundred twenty (120) shares of no par value capital stock of Consolidated Paper Corporation, Ltd., Sun Life Building, Montreal, Canada, a corporation organized under the laws of Canada, said certificate or certificates presently in the custody of Bank of the Manhattan Company, 40 Wall Street, New York, New York, in an account entitled "Credit Suisse, Zurich, Switzerland," together with any and all rights thereunder and thereto;

c. One (1) certificate of deposit for St. Louis-San Francisco Railway Co., 4½ percent Consolidated Mortgage, Series A Gold Bonds, due 1978, of $2,000 aggregate face value, presently in the custody of Bank of the Manhattan Company, 40 Wall Street, New York, New York, in an account entitled "Credit Suisse, Zurich, Switzerland", together with any and all rights thereunder and thereto;

d. That certain Canadian Locomotive Co. Ltd., 6 percent bonds or bonds due 1953, of $2,000 aggregate face value, presently in the custody of Bank of the Manhattan Company, 40 Wall Street, New York, New York, in an account entitled "Credit Suisse, Zurich, Switzerland", together with any and all rights thereunder and thereto;

e. That certain Consolidated Paper Corp. Ltd., First Mortgage 5½ percent Bond or bonds of $6,000 aggregate face value, due 1961, presently in the custody of Bank of the Manhattan Company, 40 Wall Street, New York 5, New York, in an account entitled "Credit Suisse, Zurich, Switzerland", together with any and all rights thereunder and thereto;

f. Those certain debts or other obligations of Bank of the Manhattan Company, 40 Wall Street, New York, New York, arising out of the receipt on and after June 14, 1941, of cash dividends derived from the shares of stock described in subparagraph 2-b hereof, constituting a portion of the sum of money on deposit with Bank of the Manhattan Company, in a blocked dollar account entitled "Credit Suisse, Zurich, Switzerland, General Ruling No. 6 Account", maintained with the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

g. Those certain debts or other obligations of Bank of the Manhattan Company, 40 Wall Street, New York, New York, arising out of the receipt on and after June 14, 1941, of cash interest payments on and/or the proceeds of interest coupons collections from the bonds described in subparagraphs 2–c, 2–d, and 2–e, which funds are presently on deposit with Bank of the Manhattan Company, in a blocked dollar account entitled "Credit Suisse, Zurich, Switzerland, General Ruling No. 6 Account", maintained with the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Eduard Schmitz and Mary Muenchmeyer, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 10, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51–5786; Filed, May 17, 1951; 8:48 a. m.]

[Return Order No. 962]

MAX KENDLER ET AL.

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Max Kendler, Marcel Kendler, Silvia Negrea, Bucharest, Rumania; Serina Aftalion, Ella Galia, Morris Galia, Paris, France; Margareta Heissler, Haifa, Israel; Claim No. 41716; April 7, 1951 (16 F. R. 3101); $53,892.77 in the Treasury of the United States, returnable as follows: 9/27 to Ella Galia, 3/27 each to Max Kendler and Morris Galia, 2/27 each to Marcel Kendler, Silvia Negrea, and Margareta Heissler and 6/27 to Serina Aftalion.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on May 14, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51–5787; Filed, May 17, 1951; 8:48 a. m.]

ELECTRO METALLURGICAL CO.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim Nos. and Property

Electro Metallurgical Co., 30 East 42d Street, New York 17, N. Y.; Claim Nos. 246 and 786, property described in Vesting Order No. 296 (7 F. R. 9482, November 26, 1942) relating to United States Patent Application Serial No. 322,930 (now United States Letters Patent No. 2,310,094). Property described in Vesting Order No. 670 (8 F. R. 5003, April 17, 1943), relating to United States Letters Patent No. 2,246,886.

Executed at Washington, D. C., on May 14, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51–5788; Filed, May 17, 1951; 8:48 a. m.]

AGOSTINO AND LUIGINA LAVAGETTO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim Nos., Property, and Location

Agostino Lavagetto, Savignone, Italy, Claim Nos. 42571 and 42569; Luigina Lavagetto, Savignone, Italy, Claim Nos. 42570 and 42569; $847.50 in the Treasury of the United States to each claimant.

Executed at Washington, D. C., on May 14, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51–5789; Filed, May 17, 1951; 8:48 a. m.]

GERTRUDE CADY HARRY ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Gertrude Cady Harry, as guardian of the person and estate of Kathinka Marquardt, an incompetent, Stockton, California; Claims Nos. 5410 and 5411; George A. Marquardt and Hermon C. Marquardt, Long Beach, California; Claims Nos. 5442 and 5443; Lucy Marquardt, as Executrix of the estate of Jacob Marquardt, deceased, Sierra Madre, California; Claims Nos. 43121 and 43,122; Gertrude Cady Harry, as Administratrix of the estate of Emil Marquardt, deceased, Stockton, California; Claims Nos. 43123 and 43124; $500 in the Treasury of the United States returnable to Lucy Marquardt. $^{92}/_{126}$ of $1,907.51 in the Treasury of the United States returnable as follows: $^{2}/_{126}$ to Lucy Marquardt, $^{31}/_{126}$ to Kathinka Marquardt and $^{1}/_{126}$ each to George A. Marquardt and Herman C. Marquardt, $^{7}/_{9}$ of $5,918.68 in the Treasury of the United States, returnable as follows: $^{3}/_{9}$ to Lucy Marquardt, $^{2}/_{9}$ to Kathinka Marquardt, and $^{1}/_{9}$ each to George A. Marquardt and Herman C. Marquardt. Undivided interests totaling $^{190}/_{252}$ in real property described as "West 70 acres of the South ½ of the Southeast ¼ of Section 5, T. 2 N., R. 8 E., M. D. B. and M. in San Joaquin County, California" and farm equipment and machinery located on that real property, returnable as follows: a $^{60}/_{252}$ interest to Lucy Marquardt, a $^{62}/_{252}$ interest to Kathinka Marquardt and a $^{31}/_{252}$ interest each to George A. Marquardt and Herman C. Marquardt.

Executed at Washington, D. C., on May 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51–5718; Filed, May 16, 1951; 8:48 a. m.]